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Utah. (Ter). Laws, statutes, etc.
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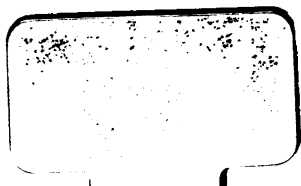
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Utter (In), Laws, Statutes, etc.

ACTS,

RESOLUTIONS, AND MEMORIALS,

PASSED BY THE

**FIRST ANNUAL, AND SPECIAL SESSIONS, OF THE
LEGISLATIVE ASSEMBLY.**

OF THE

TERRITORY OF UTAH,

**EGUN AND HELD AT GREAT SALT LAKE CITY, ON
THE 22ND DAY OF SEPTEMBER, A. D., 1851.**

ALSO THE

CONSTITUTION OF THE UNITED STATES,

AND THE

ACT ORGANIZING THE TERRITORY OF UTAH.

Published by Authority of the Legislative Assembly.

G. S. L. CITY, U. T.

1852.

BRIGHAM, H. YOUNG. PRINTER.

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The first session of the Legislative Assembly of the territory of Utah, was convened in pursuance of the Proclamation of the Governor, on the 22nd day of September, A. D. 1851; and continued by adjournments to the 18th day of February, A. D. 1852. This was succeeded by a special session, called by Proclamation of the Governor, and convened the day following, continuing until the 6th day of March, A. D. 1852.

BRIGHAM YOUNG, Governor.

MEMBERS OF THE COUNCIL.

Great Salt Lake County.

WILLARD RICHARDS, President.

HEBER C. KIMBALL,

DANIEL H. WELLS,

ORSON SPENCER,

EZRA C. BENSON, resigned September 24th, 1851.

ORSON PRATT, elected November 15th, 1851.

JEDEDIAH M. GRANT, resigned September 23rd, 1851.

EDWARD HUNTER, elected November 15th, 1851.

Davis County.

JOHN S. FULLMER,

Weber County.

LOREN FARR,

CHARLES R. DANA.

Utah County.

ALEXANDER WILLIAMS,

AARON JOHNSON.

San Pete County.

ISAAC MORLEY.

Iron County.

GEORGE A. SMITH.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Great Salt Lake County.

WILLIAM W. PHELPS, Speaker.

DANIEL SPENCER,

ALBERT P. ROCKWOOD.

NATHANIEL H. FELT,

DAVID FULLMER,
 EDWIN D. WOOLLEY,
 PHINEAS RICHARDS,
 JOSEPH YOUNG,
 HENRY G. SHERWOOD,
 WILFORD WOODRUFF,
 BENJAMIN F. JOHNSON,
 HOSEA STOUT,
 WILLARD SNOW, resigned September 24th, 1851.
 JOHN BROWN, elected November 15, 1851,

Davis County.

ANDREW L. LAMEREAUX,
 JOHN STOKER,
 GIDEON BROWNELL,

Weber County.

DAVID B. DILLE,
 JAMES BROWN,
 JAMES G. BROWNING,

Utah County.

DAVID EVANS,
 WILLIAM MILLER,
 LEVI W. HANCOCK.

San Pete County.

CHARLES SHUMWAY.

Iron County.

ELISHA H. GROVES,
 GEORGE BRIMHALL, elected November 15, 1851.

Tooele County.

JOHN ROWBERRY.

TERRITORY OF UTAH,
 Secretary's office. } ss.

This certifies that the following Laws, Resolutions and Memorials are a true copy of the record of this office.

In testimony whereof, I have hereunto set my hand, and seal of the Territory, at Great Salt Lake City, this 21st day of June, in the year of our Lord, eighteen hundred and fifty-two, and of the Independence of the United States of America, the seventy-sixth.

{ L.S. }

WILLARD RICHARDS, Secretary, pro tem.
 Appointed by the Governor.

CONSTITUTION

OF

THE UNITED STATES OF AMERICA,

AS

PROPOSED BY THE CONVENTION

HELD AT PHILADELPHIA, SEPTEMBER 17, 1787, AND SINCE RATIFIED BY
THE SEVERAL STATES;

WITH THE AMENDMENTS THERETO,
MARGINAL NOTES, AND INDEX.

ALSO,

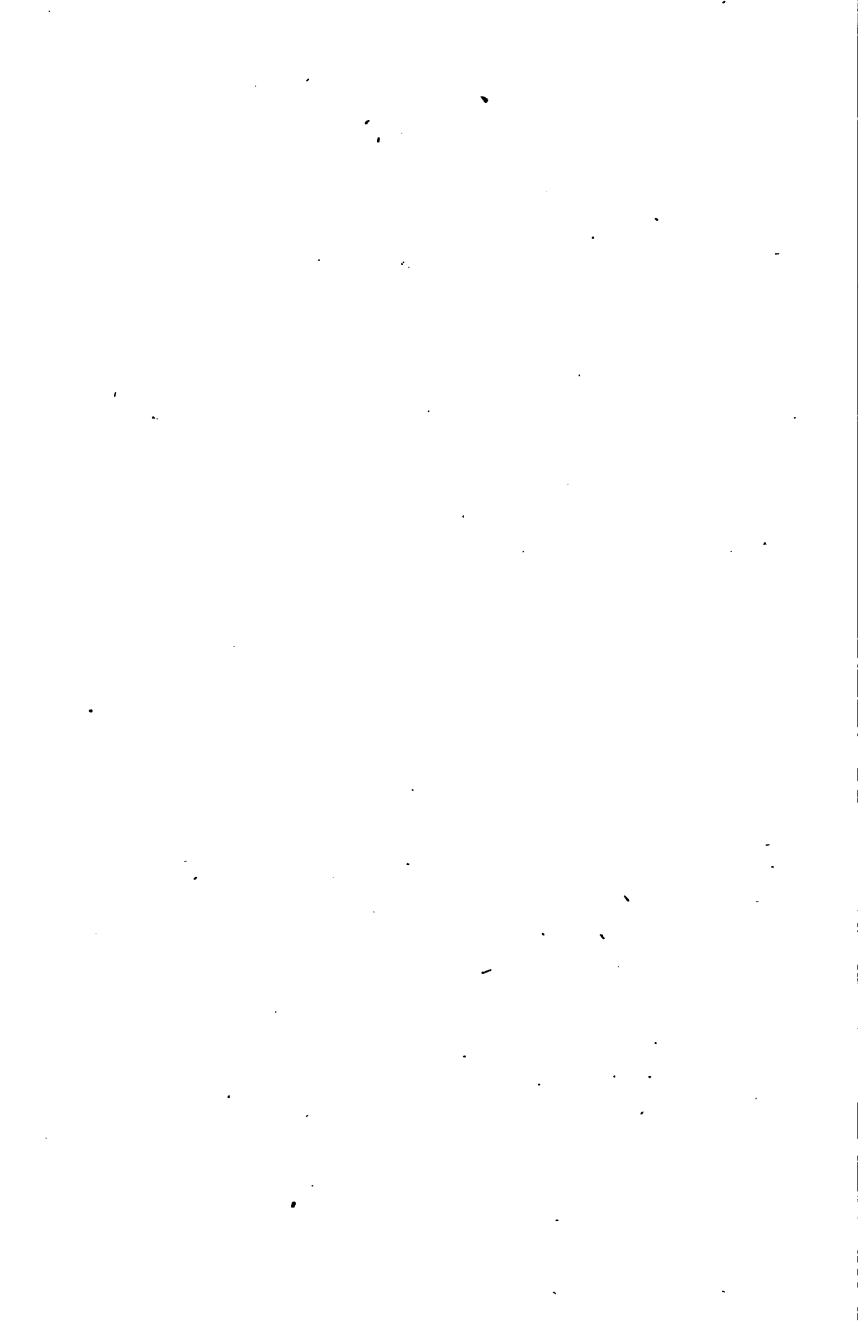
"AN ACT

TO ESTABLISH A TERRITORIAL GOVERNMENT FOR UTAH,"

APPROVED, SEPTEMBER 9, 1850.

PUBLISHED BY AUTHORITY:
[1000 COPIES ORDERED TO BE PRINTED.]

G. S. L. CITY, U. T.:
1852.



CONSTITUTION.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be ^{Congress.} vested in the Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year by the ^{Representatives, how chosen.} people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall ^{Qualification of Representatives.} not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be appointed ^{Appointment of Representatives and direct taxes.} among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, in-

Census every
ten years.

cluding those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island* and *Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

Vacancies,
how filled.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

Representa-
tives choose of-
ficers and bring
impeachments,

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SECTION III.

Senate, how
chosen.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Senators class-
ed.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes.—The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen

every second year; and if vacancies happen by re-^{Vacancies, how filled.} signa-
 tion, or otherwise, during the recess of the
 legislature of any State, the executive thereof may
 make temporary appointments until the next meet-
 ing of the legislature, which shall then fill such
 vacancies.

No person shall be a Senator who shall not have^{Qualification of Senators.} attained to the age of thirty years, and been nine
 years a citizen of the United States, and who shall
 not, when elected, be an inhabitant of that State
 for which he shall be chosen.

The Vice President of the United States shall^{Vice President to preside.} be president of the Senate, but shall have no vote,
 unless they be equally divided.

The Senate shall choose their other officers, and^{Officers of Senate.} also a President *pro tempore*, in the absence of the
 Vice President, or when he shall exercise the of-
 fice of President of the United States.

The Senate shall have the sole power to try all^{Trial of im- peachments.} impeachments. When sitting for that purpose,
 they shall be on oath or affirmation. When the
 President of the United States is tried, the Chief
 Justice shall preside: and no person shall be con-
 victed without the concurrence of two-thirds of
 the members present.

Judgment in cases of impeachment shall not^{Judgment on impeachment;} extend further than to removal from office, and
 disqualification to hold and enjoy any office of
 honor, trust or profit under the United States:—
 but the party convicted shall nevertheless be lia-^{Effect of.} ble and subject to indictment, trial, judgment and
 punishment, according to law.

SECTION IV.

The times, places and manner of holding elec-^{Elections, when and how held.} tions for Senators and Representatives, shall be
 prescribed in each State by the Legislature thereof;

but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Congress assemble annually.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Elections, how judged.

Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Quorum.

Absent members.

Rules.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Expulsion.

Journals to be kept and published.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Yeas & nays.

Adjournments.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

Compensation.

The Senators and Representatives shall receive a compensation for their services, to be ascertained

by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place. Privileges.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office. Members not appointed to office.
Officers of government cannot be members.

SECTION VII.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills. Revenue bills.

Every bill which shall have passed the House of Representatives and Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the Bills to be presented to the President.
His powers over them.
Proceedings on his veto.

persons voting for and against the bill shall be entered on the journal of each house respectively.

Bills to be laws if not returned in ten days.

If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall be a law.

Joint orders or resolutions to be approved by President.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

Powers of Congress—
Lay taxes—
Pay debts—
General welfare—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

Duties uniform

Borrow money.

To borrow money on the credit of the United States;

Commerce.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

Naturalization.

Bankruptcy.

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

Coin money.
Weights and measures.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counter-^{Counterfeiting.}feiting the securities and current coin of the United States;

To establish post offices and post roads; ^{Post roads.}

To promote the progress of science and ^{Promote arts and science.}useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme ^{Inferior courts.}Court;

To define and punish piracies and felonies com-^{Piracies, &c.}mitted on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and re-^{Declare war, and make cap-}prisal, and make rules concerning captures on land ^{tures.}and water;

To raise and support armies, but no appropria-^{Raise armies.}tion of money to that use shall be for a longer term than two years;

To provide and maintain a navy; ^{Navy.}

To make rules for the government and regula-^{Rules and ar-}tion of the land and naval forces; ^{ticles of war.}

To provide for calling forth the militia to exe-^{Call out militia}cute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disci-^{Organize and govern militia.}plining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the author-^{Officers militia}ity of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases^{Exclusive le-}whatsoever, over such district (not exceeding ten ^{gislation over}miles square) as may, by cession of particular ^{seat of govern-}States, and the acceptance of Congress, become ^{ment.}the seat of the government of the United States, and to exercise like authority over all places pur-

chased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION IX.

Importation of slaves allowed till 1808. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Habeas corpus. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Attainder and ex post facto laws. No bill of attainder or ex post facto law shall be passed.

Direct taxes. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No exportation duty. No tax or duty shall be laid on articles exported from any State.

Commerce between the states. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

Money how drawn from treasury. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall

To be published. be published from time to time.

No title of nobility shall be granted by the ^{No nobility.} United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, ^{Foreign presents and titles.} emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal: coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility. ^{Powers denied to the states.}

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. ^{Other powers denied to states.}

No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops, or ships ^{Further denial of powers to states.} of war in time of peace, enter into any agreement or compact with another State. or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The Executive power shall be vested in a Pre-^{President U.S.}sident of the United States of America. He

shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Electors, how appointed.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Electors to meet and to elect a president and vice president.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the

Their votes counted in congress.

Representatives to choose if electors fall.

House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary

Votes by states.

to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.*

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will

*This clause of the Constitution has been amended. See twelfth article of amendments, page 27.

faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION II.

Powers and duties of the president.

The President shall be Commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

Appointment of public officers.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Vacancies in office.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

Further powers and duties of the president.

He shall, from time to time, give to the Congress information of the state of the Union, and recom-

mend to their consideration, such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. ^{Impeachment.}

ARTICLE III.

SECTION I.

The Judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. ^{Judiciary, and tenure of judges.}

SECTION II.

The Judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public min- ^{Powers of the judiciary.}

isters, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States citizens or subjects.

**Jurisdiction of
the supreme
court.**

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Trials by jury.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed: but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

**And where
held.**

SECTION III.

Treason.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**No corruption
of blood.**

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings, shall be proved, and the effect thereof. ^{Acts of State accredited.}

SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. ^{Privileges of citizenship.}

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. ^{Fugitives from crimes to be delivered up.}

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service, or labor may be due. ^{Fugitive slaves to be delivered up.}

SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress. ^{New States.}

Territory and
other property
of U. States.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

Republican
form of gov-
ernment.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive, (when the Legislature cannot be convened) against domestic violence.

Protection of
States.

ARTICLE V.

Amendments
of this Consti-
tution.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation. Debts of former Government recognized.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding. What constitutes the supreme law.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States. Oath of public officers. No religious test.

ARTICLE VII.

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution, between the States so ratifying the same. Ratification.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

New Hampshire.

John Langdon,
Nicholas Gilman.

Massachusetts.

Nathaniel Gorham,
Rufus King.

Connecticut.

William Samuel Johnson,
Roger Sherman.

New York.

Alexander Hamilton.

New Jersey.

William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

Pennsylvania.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersol,
James Wilson,
Gouv : Morris.

Delaware.

George Read,
Gunning Bedford, jun.,
John Dickinson,
Richard Bassett,
Jaco : Broom.

Maryland.

James Mth Henry,
Dan : of St. Tho. Jenifer,
Daniel Carroll.

Virginia.

John Blair,
James Madison, jun.

North Carolina.

William Blount,
Rich^d Dobbs Spaight,
Hu : Williamson.

South Carolina.

J. Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia.

William Few,
Abr. Baldwin.

Attest,

WILLIAM JACKSON,
Secretary.

IN CONVENTION.

MONDAY, September 17, 1787.

Resolved, That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates, chosen in each State by the people thereof, for the recommendation of its Legislature, for the assent and ratification; and that each congressional assembly should, at the same time, should give notice thereof to the State Congress, if Congress assembled.

Resolved, That the ratification of this Convention, that as soon as the conventions of nine States shall have ratified

-this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication the electors should be appointed, and the Senators and Representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention.

GEORGE WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

IN CONVENTION.

September 17, 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union: but the impropriety of delegating such extensive trust to one body of men is evident; hence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States, as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union—in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not, perhaps, to be expected; but each will doubtless consider, that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir, your excellency's most obedient humble servants.

By unanimous order of the Convention.

GEORGE WASHINGTON, *President.*

His Excellency the PRESIDENT of Congress.

United States in Congress assembled.

FRIDAY, September 28, 1787.

Present: New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina and Georgia, and from Maryland Mr. Ross.

Congress having received the report of the Convention lately assembled in Philadelphia—

Resolved, unanimously, That the said report with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case.

CHARLES THOMPSON, *Secretary.*

AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III.

No soldier shall in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted,—the person having the greatest number of votes for President, shall be the President, if such

number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

A N A C T
TO ESTABLISH A
TERRITORIAL GOVERNMENT
FOR UTAH.

PASSED SEPTEMBER 9, 1850.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That all that part of the territory of the United States included within the following limits, to wit: bounded on the west by the state of California, on the north by the territory of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, be, and the same is hereby, created into a temporary government, by the name of the Territory of Utah; and when admitted as a state, the said territory, or any portion of the same shall be, received into the Union, with, or without slavery, as their constitution may prescribe at the time of their admission: *Provided,* That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said territory into two or more territories, in such manner, and at such times, as congress shall deem convenient and proper, or from attaching any portion of said territory to any other state or territory of the United States.

SEC. 2. *And be it further enacted,* That the executive power and authority in and over said territory of Utah shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the president of the United States. The governor shall reside within said

territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve all laws passed by the legislative assembly before they shall take effect; he may grant pardons for offences against the laws of said territory, and reprieves for offences against the laws of the U. S. until the decision of the president can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted,* That there shall be a secretary of said territory, who shall reside therein, and hold his office for four years, unless sooner removed by the president of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws, and one copy of the executive proceedings, on or before the first day of December in each year, to the president of the United States, and at the same time, two copies of the laws to the speaker of the house of representatives, and the president of the senate, for the use of congress. And in case of the death, removal, resignation, or other necessary absence of the governor from the territory, the secretary shall have, and he is hereby authorized and required to execute and perform all the powers and duties of the governor during such vacancy or necessary absence, or until another governor shall be duly appointed to fill such vacancy.

SEC. 4. *And be it further enacted,* That the legislative power and authority of said territory, shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of

Secretary; his duties defined.

The acting governor in certain contingencies.

Legislative power; how vested.

Legislative as-

a council and house of representatives. The council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and house of representatives, giving to each section of the territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district for which they may be elected respectively. Previous to the first election, the governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the territory to be taken, and the first election shall be held at such time and places, and be conducted in such manner as the governor shall appoint and direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected having the highest number of votes in each of said council districts for members of the council, shall be declared by the Governor to be duly elected to the council; and the person or persons authorized to be elected having the highest number of votes for the House of Representatives, equal to the number to which each county or district shall be entitled, shall be declared by the Governor to be duly elected members of the House of Representatives: *Provided*, That in case of a tie between two or more per-

sembly to consist of council and house of representatives

Council to consist of 13 members; the house of 26.

Previous to first election, a census to be taken.

Elections; how conducted.

Proviso.

sons voted for, the governor shall order a new election to supply the vacancy made by such a tie. And the person thus elected to the legislative assembly shall meet at such place, and on such day, as the governor shall appoint; but, thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the council and house of representatives, according to population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly:

Further provided so.

Provided, That no one session shall exceed the term of forty days.

Qualifications of voters.

SEC. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty one years, who shall have been a resident of said territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the republic of Mexico, concluded February second eighteen hundred and forty-eight.

Proviso.

Legislative power of the territory defined.

SEC. 6. *And be it further enacted*, That the legislative power of said territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly and governor shall

be submitted to the Congress of the United States, and if disapproved shall be null and of no effect.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory of Utah. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the legislative assembly, and shall lay off the necessary districts for members of the council and house of representatives, and all other offices.

SEC. 8. *And be it further enacted*, That no member of the legislative assembly shall hold office, or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said territory.

SEC. 9. *And be it farther enacted*, That the judicial power of said territory shall be vested in a Supreme Court, District Court, Probate Courts, and in Justices of the Peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said territory annually, and they shall hold their offices during the period of four years.

District courts. The said territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such time and place as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts respectively shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decision of said supreme court, shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit court of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent wit-

Jurisdiction of
courts and jus-
tices of the
peace, etc.

Provide.

Clerk.

Writs of error
and appeals to
be allowed, &c.

ness, shall exceed one thousand dollars, except ^{Exceptions.} only that, in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said Supreme Court, without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeal shall also be allowed to the Supreme Court of the United States, from the decisions of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeal, in all such cases, shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Oregon Territory now receive for similar services. ^{Fees of clerk.}

SEC. 10. *And be it further enacted,* That there shall be appointed an attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Oregon. There shall also be a marshal for the Ter- ^{Att'y and marshal; their fees and duties.}

ritory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees as the marshal of the district court of the United States for the present Territory of Oregon; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

Gov., sec'y.,
chief justice, &
associate jus-
tices, att'y. and
marshal; how
to be appointed

SEC. 11. *And be it further enacted*, That the governor, secretary, chief justice and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively, take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and trans-

mitted, by the person taking the same, to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor ^{Salary of gov.} or shall receive an annual salary of fifteen hundred dollars as governor, and one thousand dollars as Superintendent of Indian Affairs. The Chief Justice and Associate Justices shall each receive ^{Salary of chief justice and associate justices} an annual salary of eighteen hundred dollars. The Secretary shall receive an annual salary of ^{Salary of secretary} eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars ^{Compensation of members of the legislative assembly.} each per day during their attendance at the sessions thereof, and three dollars each for twenty miles travel, in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the Governor to defray the contingent expenses of the Territory. There shall ^{Contingent expenses provided for.} also be appropriated annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

Sec. 12. *And be it further enacted*, That the ^{Legislative assembly to hold its sessions as directed by the governor.} Legislative Assembly of the Territory of Utah shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as

soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory, at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly. And the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of Utah to be applied by the Governor and Legislative Assembly to the erection of suitable public buildings at the seat of government.

Delegate to be
elected to con-
gress of U.S.

SEC. 13. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly: Provided, That said delegate shall receive no higher sum for mileage than is allowed by law to the delegate from Oregon.

Proviso.

Appropriation
for the pur-
chase of a li-
brary.

SEC. 14. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated out of any moneys in the treasury not otherwise appropriated, to be expended by and under the direction of the said Gover-

nor of the Territory of Utah, in the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations as shall be prescribed by law.

SEC. 15. *And be it further enacted*, That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 16. *And be it further enacted*, That temporarily, and until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the Legislative Assembly, at their first or any subsequent session; may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 17. *And be it further enacted*, That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same, or any provision thereof, may be applicable.

Approved September 9, 1850.

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AN ACT CONCERNING THE JUDICIARY, AND FOR JUDICIAL PURPOSES.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That the first Judicial District for said Territory, shall consist of, and embrace ^{Judicial dis-} ^{tricts defined.} the following Counties and Districts of country, to wit:—Great Salt Lake, Davis, Weber, Tooele, and Utah Counties, and all districts of country, lying east, north, and west of said Counties in said Territory. The second Judicial District shall consist of Millard and San-pete Counties, and all Districts of country, lying south of the south line of latitude of Utah County, and north of the south line of latitude of Millard County, within said Territory. And the third Judicial District shall consist of Iron County, and all districts of country, lying south of the south line of latitude of Millard County in said Territory.

SEC. 2. The Honorable Zerubbabel Snow, Associate Justice of the Supreme Court of the United States for the Territory of Utah, shall reside within the first Judicial District, and hold Courts in the following order, viz: on the first Monday in January and July at Great Salt Lake City; on the first Monday of April at Ogden City in Weber County; and on the first Monday of October at Provo City in Utah County, in each year: *Provided*, The said Zerubbabel Snow, Associate Justice, shall hold his first Court on the first Monday of October in the year eighteen hundred and fifty one, at Great Salt Lake City, and omit said Court, during said year at Provo in Utah County. ^{Time of hold-} ^{ing district} ^{courts in first} ^{judicial district}

SEC. 3. The Honorable Zerubbabel Snow, is hereby authorized and required to hold two Courts in the second Judicial District in each year, to wit: on the first Monday of November at Manti, in San Pete County; and on the first Monday in May at Fillmore, in Millard County. ^{Time of hold-} ^{ing courts in} ^{second judicial} ^{district.}

SEC. 4. The Honorable Zerubbabel Snow is further authorized and required to hold one Court for the third Judicial District, viz: on the first Monday in June of each year, at Parowan City in Iron County; and each session of said Court in its several districts shall be kept open at least one week, and may adjourn to any other place in each of said districts respectively: *Provided*, The business of said Court, shall so require. ^{Time of hold-} ^{ing district} ^{court in third ju-} ^{dicial district.}

SEC. 5. The foregoing acts are, and shall be in force until a full Bench of the Supreme Court of the United States for the Territory of Utah, shall be supplied by the President and Senate of the United States, after which the said Zerubbabel Snow shall serve only in the first Judicial District.

Approved Oct. 4, 1851.

AN ACT IN RELATION TO THE JUDICIARY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That the Judicial Districts and the terms of the District Courts therein, respectively, shall remain as at present fixed until otherwise directed: *Provided*, The Judge of the District may hold special term or terms in any other County in such district at such times and places as the press of Judicial business shall require.

Judges may hold special terms.

Jurisdiction & powers of district courts.

SEC. 2. The District Courts shall exercise original jurisdiction, both in civil and criminal cases, and as well in Chancery as at Common Law, when not otherwise provided by law. They shall also have a general supervision over all inferior Courts, to prevent and correct abuses where no other remedy is provided.

SEC. 3. The Sheriff of the County, wherein the Court is held, together with all necessary assistants must attend upon the sessions of the Court; if required.

Sheriff, &c., to attend sessions of courts.

SEC. 4. The Clerk of each District or County, shall keep a record of the proceedings of the Court, under the direction of the Judge. He shall, from time to time, read over all entries therein in open Court, which, when correct, shall be signed by the Judge. Entries made in vacation shall be read and approved at the next term of the Court. The record is under the control of the Court, and may be amended, or any entries therein expunged at any time during the term of the Court at which it is made, or before it is signed by the Judge as aforesaid; but

Record of the court to be kept

entries made, approved, and signed by the Judge, cannot be altered only to correct an evident mistake.

SEC. 5. The Judges of the District Courts, respectively, shall report to the Legislature at each regular session thereof, all omissions, discrepancies, or other evident imperfections of the law which have fallen under their observation. ^{Judges to report to legislature.}

SEC. 6. The Judges of the Court may report their own decisions, or they may appoint a reporter who shall hold his office at the pleasure of the Court, and all decisions or opinions, and all questions received on appeal, as well as motions, collateral questions, and points of practice, as they may think of sufficient importance, shall be reduced to writing and filed with the Clerk of the Court. ^{Decisions &c., to be filed with the clerk of court.}

SEC. 7. Each of the Clerks must keep a complete register of all proceedings of the Court with an index to the same; and generally, they must perform all the other duties ordinarily pertaining to their offices. ^{Clerk to keep a register.}

SEC. 8. The said Courts may adopt all such rules as they may deem expedient, consistent with the law, the prime object of which shall be to carry out the purposes of the statutes, and to subserve the ends of justice, dispensing with all needless forms, and disregarding and abridging all technical pleadings with a view to the attainment of justice: all technical forms of actions and pleadings are hereby abolished. ^{Court may adopt rules, Technicalities abolished.}

SEC. 9. Any pleading which possesses the following requisites shall be deemed sufficient. First, when to the common understanding it conveys a reasonable certainty of meaning. Second, when by a fair and natural construction, it shows a substantial cause of action or defence. If defective in the first above particulars, the Court shall direct a more specific statement. If in the latter, it is ground of demurrer; demurrers for formal defects are abolished, those for substantial defects must set forth the true ground of objection to the pleading demurred to, upon the determination of any demurrer, the party failing, may demend, or plead upon such terms as the Court deems just. or as it may by general rule prescribe. ^{What pleadings shall be deemed sufficient. Demurrer.}

Amendments. SEC. 10. Immaterial variances, errors, or defects, may be disregarded, or the Court may direct an amendment with, or without costs. No variance, error, or defect shall be deemed material, unless the Court is satisfied that the objecting party will be prejudiced by disregarding it, or by allowing it to be amended. The Court may allow material amendments at any stage of the proceedings upon such terms, and subject to such rules as it may prescribe. If an original pleading or paper be lost, or withheld by any person, the Court may authorize a copy thereof to be filed and used instead of the original.

A copy of a lost paper may be used instead of the original.

By consent any person may act as judge. SEC. 11. By the consent of the Court and the parties, any person may be selected to act as Judge for the trial of any particular cause or question; and while thus acting he shall possess all the powers of the District Judge in the case.

Nonsuit. SEC. 12. The plaintiff cannot take a non-suit without the consent of the defendant, after the latter has claimed a set-off; but he may dismiss his cause of action, leaving the defendant to proceed on his set off in the capacity of plaintiff, either may withdraw his claim at any time before the jury retire but not after.

Dismissal.

Withdrawal of claim.

Costs. SEC. 13. Costs may be apportioned to either party, or apportioned between them, as shall be deemed equitable by the Court.

Memorandum relative to judgment. SEC. 14. When a judgment is set aside or satisfied by execution or otherwise, the Clerk shall enter a memorandum thereof in the column left for that purpose, in the judgment docket.

Parties may present on agreed statement. SEC. 15. Parties to a question in difference which might be the subject of a civil action, may present an agreed statement of the facts thereof, to any Court having jurisdiction of the subject matter.

Affidavit that the subject matter is real. SEC. 16. It must be shown by affidavit, that the subject matter is real, and that the proceeding is in good faith to determine the rights of the parties thereto.

SEC. 17. The Court must thereupon hear and determine the case, and the judgment rendered thereon will be the

same in all respects as though suit had been brought in the regular manner, and will be followed by the same consequences. Validity of the judgment.

SEC. 18. All Judicial proceedings must be public unless otherwise specially provided by statute, or otherwise agreed upon by the parties. To be public.

SEC. 19. The Judge or Justice shall not be disqualified in consequence of interest, consanguinity, or otherwise, unless objected to previous to the parties joining in the suit, and introducing testimony. Interest, &c. no disqualification of the Judge.

SEC. 20. The Court shall have power to punish by fine, or imprisonment, or both, at their discretion, for contempts, or any wilful disturbing, calculated to interrupt the due course of its official proceedings, or which may tend to impair the respect due to its authority. Contempts &c. may be punished by fine or imprisonment.

SEC. 21. Public buildings owned by the Territory or any County, City School District, Ward, University, Religious society, and burying grounds, are exempt from execution. Public buildings exempt from execution.

SEC. 22. The following property of individuals is also exempt from execution: all wearing apparel kept for actual use and suitable to the condition of the party, and trunks, and other receptacles to contain the same, one musket, or rifle, and accoutrements, and ammunition required for one hundred charges of loading; the proper tools, instruments, or books of any farmer, mechanic, surveyor, physician, teacher, or professor; the horse or team, and wagon, or other vehicle with the proper harness or tackle by the use of which any physician, public officer, farmer, teamster, or other laborer habitually earns his living; all libraries, family books, portraits and paintings, any interest owned by the debtor or his parents, in one house of public worship, school house or burying ground. If the debtor is head of a family, there is further exempt, one cow and calf for every three persons in the family, one horse, fifty sheep and the wool therefrom, five hogs and all pigs under six months old, the necessary food for all animals, for sixty days exempt from execution; all flax raised by the defendant, and the manufactures therefrom; one bedstead and the necessary bed and bedding for every two in the fam- Exempt from execution.

ily; all cloth manufactured in the family of the defendant, or by the defendant; household and kitchen furniture not exceeding one hundred dollars in value; all spinning wheels, and looms, and other instruments of domestic labor, kept for actual use; and the necessary provisions and fuel for the use of the family for six months; said term family does not include strangers or boarders. The earnings of such debtor for his personal services, or those of his family at any time within ninety days next preceding the levy, are also exempt from execution or attachment.

Exemptions not intended for non-residents or those who are about to depart.

SEC. 23. None of the exemptions herein made are intended for the benefit of non-residents; but their property is liable to execution, with the exception of the ordinary wearing apparel; but any person coming within the Territory with the intention of remaining, is a resident within the meaning of this act, and nothing herein shall be so construed as to exempt the property of any transient person, or persons about to depart from the Territory or county, with the intention of removing their effects therefrom.

Judge of probate in each county elected by the assembly.

SEC. 24. There shall be a Judge of Probate in each County within the Territory, whose jurisdiction within his Court in all cases, arises within their respective Counties under the laws of the Territory; said Judge shall be elected by the joint vote of the Legislative Assembly, and commissioned by the Governor; they shall hold their offices for the term of four years, and until their successors are elected and qualified. They shall be qualified and sworn by any person authorized to administer oaths, and give bonds and security in the sum of not less than ten thousand dollars, to be approved by the Clerk of the District court or the Judge thereof, and filed in his office.

Governor may fill vacancy.

SEC. 25. In case of a vacancy occurring in the office of the Judge of Probate, the Governor may appoint and fill such vacancy until the next succeeding Legislative Assembly, or some subsequent one, shall elect one; said Judge of Probate so appointed shall qualify and give bond as above provided.

Regular sessions.

SEC. 26. The Probate Court shall be considered in law as always open; but for the transaction of business requiring notice, the Judge shall hold regular sessions on

the second Mondays of March, June, September and December of each year, and shall continue at each session one week, or until the business ready for trial shall be disposed of.

SEC. 27. When the District Court is to sit in a County on any of the days appointed in the preceding section for the sessions of the Probate Court, the latter shall be held on the Monday preceding, and when the Judge is required by law to perform any duty which takes him from the County, on one of the appointed days, the session of the Court shall be holden on the following Monday, or such day as the Judge may appoint. Time of holding sessions may be altered in certain cases.

SEC. 28. The Judge of Probate has jurisdiction of the Probate of Wills, the administration of the estates of deceased persons, and of the guardianship of minors, idiots and insane persons. Jurisdiction of the judge of probate.

SEC. 29. The Probate records shall be kept in books separate from those of the other business of the Court. Probate records.

SEC. 30. The several Probate Courts in their respective Counties, have power to exercise original jurisdiction both civil and criminal, and as well in Chancery as at Common law, when not prohibited by Legislative enactment; and they shall be governed in all respects by the same general rules and regulations as regards practice as the District Courts. Powers of the probate courts.

SEC. 31. Appeals are allowed from all decrees or decisions of the Probate to the District Courts, except when otherwise expressed on the merit of any matter affecting the rights or interests of individuals, the appeal shall be taken within thirty days from the day on which the decision was made, and shall be taken by claiming the appeal and filing, in the clerk of the Probate Courts office, a bond with one or more sureties and a penal sum to be approved by the Probate Judge or Clerk; said bond shall be conditioned, that said appellant will prosecute the appeal with effect; that if the appeal be dismissed or the judgment below affirmed, he will comply with the judgment, and orders made by the Court below, and that he will pay all costs, and sums of money that may be adjudged against him in the Court appealed to, and will comply Conditions of the appeals.

with the orders of that Court, the appeal shall be taken to the next term of the District Court in the County, or next nearest County, where the same shall be holden, if there be ten days between the day when the judgment was rendered, and the day of the sitting of the District Court.

Time in which
the transcript
of the proceed-
ings must be
filed.

SEC. 32. Within twenty days from the day of the appeal, and within five days in the case mentioned in the last paragraph of the preceding section, the Clerk of the Probate Court is required to file a transcript of the proceedings in the matter in which the appeal is taken, authenticated by the seal of the Probate Court with the Clerk of the District Court, who shall enter the same among the cases pending in that Court. Transcripts of the records and copies of the papers pertaining to the Probate Court, may be certified and signed by either the Clerk or the Judge.

Clerk.

SEC. 33. The Probate Judges in their respective Counties shall appoint a Clerk, who shall keep his office at the County seat, and who shall attend all sessions of the Probate Court, as also sessions of the county court, for the transaction of County business. It shall be the duty of the Clerk of the Probate Court, to keep a full and true record of all the proceedings in the Probate Court in session, entering distinctly each step in the progress of any proceedings; but such record shall be equally valid if made by the Judge.

Clerk to keep
a full record.

Clerks of dis-
trict and pro-
bate to report
annually to the
secretary of the
Territory.

SEC. 34. The Clerks of the District Courts and of the Probate Courts respectively, are hereby required to report to the Secretary of the Territory, on or before the first Monday of November of each year, the number of convictions for all crime, and misdemeanors, in their respective Courts, for the year preceding such report, shall show the character of the offence, and the sentence of punishment, the occupation of the convict, whether he can read or write, and his general habits, and also the expenses of the County for criminal prosecution during the year, including but distinguishing the compensation of the Prosecuting Attorney. The Clerks aforesaid shall also forward to the Secretary, copies of all reports made, of decisions, and opinions, which shall be reported, or filed in his office.

SEC. 35. The Probate Judge in connection with the select men, is hereby invested with the usual powers and jurisdiction of County Commissioners, and with such other powers and jurisdiction as are conferred by law, and in this connection, they shall be known as the County Court. ^{County court} The Clerk of the Probate Court shall be the Clerk of this Court, ^{Clerk.} shall keep his office at the County Seat, and shall attend by himself, or deputy, all sessions of the Court, keep the records, papers, and seal of the Court. The office of the County Court is to be kept open for business at all usual times.

SEC 36. This Court is authorized and required to take the management of all county business, and the care and custody of all the county property, except such as is by ^{Duties of county court.} him placed in the custody of another, and shall have the control of all books, papers, and instruments pertaining to their office; said Court shall audit all claims against the County; draw and seal with the County seal, all warrants or orders on the Treasurer for money to be paid out of the County Treasury, shall audit and settle the accounts of the Treasurer, and those of any other collector or receiver of County revenue, taxes, or incomes payable into the County Treasury, and those of any person entrusted to expend any money of the County, and to require them to render their accounts as directed by law.

SEC. 37. Said Court shall keep a book to be known as ^{County book} the County book, in which shall be recorded all orders and decisions made by them, except those relating to roads and Probate affairs, and in which, orders for the allowance of money from the County Treasury shall state on what account, and to whom the allowance is made, dating and numbering the drawing on the Treasury each order, and said Court are to superintend the fiscal affairs of the County, and secure their management in the best possible manner.

SEC. 38. The County Court shall also keep a separate ^{Book for bonds.} book for the entries of all proceedings and adjudications to the establishment, change, or discontinuance of bonds; ^{Book on probate business.} also separate books for Probate business. They shall keep an account of the receipts and expenditures of the ^{County receipts and expenditures.} County, and on the first Monday of May annually, cause a minute statement of them for the preceding year to be

made, with an account of all debts payable to, and by the County, and the assets of the County; have a copy of the same posted up, one at the County seat at the usual place of holding Courts, and at each of two other public places in the County; and shall cause the original to be filed in their office.

County court
has control of
timber &c.

SEC. 39. The County Court has the control of all timber, water privileges, or any water course or creek, to grant mill sites, and exercise such powers as in their judgment shall best preserve the timber, and subserve the interest of the settlements, in the distribution of water for irrigation, or other purposes. All grants, or rights, held under Legislative authority, shall not be interfered with.

Quorum.

SEC. 40. The Judge of Probate, in connection with any two of the Select men, shall constitute a quorum, to do business; and the Select men may transact business separately throughout the County, relating to the poor, insane, orphans, minors, or other important business, requiring immediate attention; business so transacted shall be reported at their next subsequent session, and approved by the Court before becoming a matter of record. The Select men may also hold session in the absence of the Judge of Probate.

Precincts, &c.

Select Jurors.

SEC. 41. The County Court shall district their respective counties into road districts, precincts, school districts, or such other sub-divisions as may become necessary or proper, locate sites for public buildings, and erect the same; select Grand and Petit Jurors for their respective Counties, and generally do, and perform, all such duties, as shall be required by the nature of their office, and as shall be required by law.

Two sessions
annually.

SEC. 42. The County Court shall hold sessions twice a year, to wit: on the third Mondays of March and September, and oftener if they shall deem it necessary. They have authority to determine the amount of tax to be levied for County purposes, and provide for the collection of the same.

SEC. 43. Whenever it shall become necessary to extend the credit of the County for the purpose of erecting public buildings, building bridges, and working roads, which may

call for any extraordinary expenditure, the County Court may submit the question to the people for their decision by fairly and explicitly stating the question, the amount of funds proposed to be raised, and the manner of raising them, whether by tax or otherwise; said question when thus submitted, shall be voted upon by the people of the County at some regular election, previous notice having been given in regard to said question in the same manner as required in giving notice of elections; and the decision of the people shall be the law so far as regards that particular question. If there should be an excess of funds thus raised for any particular purpose, the surplus may be paid into the County Treasury for County purposes.

SEC. 44. The Judges of the District and Probate Courts shall be conservators of the peace in their respective Districts and Counties, throughout the Territory, and it is their duty to use all diligence and influence in their power to prevent litigation.

SEC. 45. Any matter involving litigation may be referred to arbitrators, or referees, who may be chosen by the parties, or selected by the Court, as the parties shall elect; all such arbitrators have authority to subpoena witnesses, administer oaths, or affirmations, and issue process as the Court. And when they shall have made their decision, they shall report the case, if necessary to enforce the same, to the Clerk of the County in which the case has arisen, or when the case has not arisen in any Court, to the Clerk of the Probate Court; and it shall be the duty of the Clerk in whose office any such decision has been filed, to make a record thereof, and proceed in the same manner, as if the case had been prosecuted and decided in the usual manner.

SEC. 46. The Select men shall appoint a Supervisor or Supervisors for their respective Counties, who, under their directions shall collect and apply the Poll Tax, in their respective Districts, and make return to the Select men, on or before the first day of February annually.

SEC. 47. Select men and Supervisors, shall be governed in the discharge of their duties as prescribed for County Commissioners and Supervisors (so far as the same shall

be applicable) in an Ordinance in relation to Road Tax and Supervisors.

Approved, February 4, 1852.

AN ACT IN RELATION TO JUSTICES OF THE PEACE.

One justice & one constable in each district.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That each Precinct in this Territory shall elect one Justice of the Peace, and one Constable, and the same may be increased in any Precinct by the County Court, whenever they shall deem that the public good requires it.

Justices to give bonds of \$1000.

SEC. 2. Each Justice of the Peace shall take an oath of office and give bond with approved securities, in the sum of one thousand dollars, which bond shall be approved by the County Court, and filed in the Clerk's office; said Justices and Constables shall hold their offices for the term of two years, and until their successors are elected and qualified, and they shall be commissioned by the Governor.

Term of office two years.

Commissioned by the Gov.

Duties of the justice of the peace.

SEC. 3. It shall be the duty of every Justice of the Peace to examine strictly and faithfully into the merits and demerits of all civil and criminal cases which may come before him, and execute justice without respect to persons, or favor, or the technicalities of the law, preserve the public peace; sit in judgment in all cases referred to him, and keep a true record of all proceedings laid before him, and in case of appeal, transmit a copy of the same to the Clerk of the Court to which the appeal is made within five days from the time the appeal is taken.

Jurisdiction of justices of the peace.

SEC. 4. Justices of the Peace have jurisdiction over all cases where the amount in controversy does not exceed one hundred dollars; and when the amount claimed exceeds that sum, but by fair credits may be reduced to that amount, Justices may decide cases without process; but if it shall become necessary to enforce such decisions, they

shall enter such cases so decided, upon their dockets, and proceed as in other cases. Justices of the Peace in their respective Counties, have jurisdiction of, and may try, hear, and determine public offences, where the punishment imposed by law, does not exceed one hundred dollars fine, or imprisonment does not exceed six months, or when the punishment is by both such fine and imprisonment.

SEC. 5. Criminal actions for the commission of public offences may be commenced before a Justice of the Peace, by information, subscribed and sworn to, and filed with the Justice; the Justice must file such information and note the time of filing.

SEC. 6. Immediately upon the filing of such information, the Justice may in his discretion issue his warrant, directed to any Sheriff, Constable, or peace officer, for the arrest of the defendant, and such warrant may be served in any county or district within the Territory.

SEC. 7. The officer who receives the warrant must serve the same by arresting the defendant if in his power, and bringing him without unnecessary delay, before the Justice who issued the same.

SEC. 8. If the defendant do not demand a trial by jury, the Magistrates must proceed to try the issue: in case a jury be demanded, the Justice shall cause a jury of six men having the qualifications of Jurors, inhabitants of the County to be empannelled, who being duly sworn or affirmed, shall constitute the jury. No challenge to the panel is allowed; but the prosecutor and defendant may each challenge for cause; and the defendant may be allowed the pre-emptory challenge of three Jurors: a further number of Jurors shall be summoned to fill up, as the jury shall be exhausted by challenges.

SEC. 9. The verdict of the jury shall be entered upon the Magistrate's docket, and the Magistrate must render judgment thereon of fine, or imprisonment, or both, as the case may require; and when a fine is assessed, the Justice may direct that the defendant be also imprisoned until the fine is satisfied: *Provided*, That the Magistrate may hire out said defendant to service until the fine is paid. If the defend-

ant be acquitted by either the Justice or jury, he must be immediately discharged.

Justice to make
out certificate.

Fines to be paid
into the county
treasury.

SEC. 10. Within twenty days after any such conviction, the Justice shall make out a certificate in which he shall briefly state the offence charged, the conviction and judgment thereon, and if any fine has been collected, the amount thereof, and file the same in the Judge of Probate's office. All fines collected either by Justice, Sheriff, Constable or other officer, shall be paid into the County Treasury within ninety days after the same have been collected.

Proceedings in
case of an ap-
peal.

SEC. 11. Upon the affidavit being filed, in which the alleged errors of the proceedings are stated, and that the affiant verily believes injustice has been done, the Justice shall grant an appeal to the Court of Probate of the County, and shall take a written undertaking from the defendant, with two or more sureties, and shall cause all material witnesses to enter into recognizance, to appear at the time and place of trial, and return all such papers together with a certified copy of entries on his docket, on or before the first term of the Probate Court next to be holden, which return and papers shall be filed in the Clerk's office of the Probate Court.

Proceedings of
the Probate
court on appeal.

SEC. 12. It shall be the duty of the Probate Court, to hear and determine the said appeal in the same manner as an issue of fact upon an indictment.

Jurisdiction of
Justices ex-
tends through-
out their res-
pective coun-
ties.

Justice may act
as a court of
arbitration.

Where suits
must com-
mence.

SEC. 13. The jurisdiction of Justices extends to the limits of their respective Counties, and within that limit, it extends to all civil cases (except where the question of title to, and boundaries of land may arise) when the amount in controversy does not exceed one hundred dollars, and by the wish and consent of parties may be extended to any amount: *Provided*, That where the amount in controversy exceeds one hundred dollars, the Justice shall have the same powers as other Courts of arbitration, and shall have power to enforce his decision thereon. which decision shall be an end of controversy; but all suits shall be brought in the precinct where the defendant resides, *Provided*, If payment is agreed to be made in any particular place, the suit may be brought in that place if within the County; and, *Provided also*, If the defend-

ant does not reside in the Territory nor County, suit may be commenced in any place in this Territory, wherever he may be found.

SEC. 14. The parties in any action before a Justice of the Peace shall combine all their demands, which are of ^{Parties to combine all their demands or forfeit them.} nature to be consolidated in one action, or defence; and for a failure so to do shall forfeit the right of any remedy at law for their recovery; and the defendant may at any ^{How proceedings may cease} time pay the demand against him, and cost, thus far accrued, either to the Justice or officer having the process, whereupon proceedings shall cease.

SEC. 15. Before any party before a Justice is entitled to a jury, the party demanding the jury shall deposit the ^{Fees of the jury.} fees, to which they will be entitled; and the same shall be included in the judgment as part of the costs to be received if adjudged against the party who did not advance them.

SEC. 16. All records, dockets and papers pertaining to the office of any Justice of the Peace, must be ^{Transmission of records, &c.} transmitted to his successor in office; and such successor may issue execution, and act in any case so transmitted, the same as if the case had been commenced before him; and in case of any disability or necessary absence of the Justice at the time fixed for trial or proceeding, any other Justice of the Precinct may at his request, attend and transact ^{Business may be transferred, &c.} the business for him without any transfer of the business to another office.

SEC. 17. The Justice may in writing, depute any ^{Justice may appoint any person to act as constable when necessary.} discreet person to act as Constable, when no Constable is at hand, and the nature of the business shall require immediate attention.

SEC. 18. Any Justice of the Peace may officiate as ^{Justice may act as coroner.} coronor when occasion may require, by holding inquest upon the bodies of such persons as may be found dead, or may have died suddenly, or by violence, or in any manner that may create suspicion of crime; it shall be his duty to take in writing the evidences that may be adduced in such cases, also his own decision thereon, the names of several persons present at the investigation, and file the same in the clerk of Probate's office; and he

shall have authority to summon to his assistance, such persons as he may deem necessary to hold such inquest, and dispose of, or inter said body as he shall think proper.

SEC. 19. It shall be the duty of each and every Justice of the Peace, to punish by fine, not exceeding one hundred dollars, at his discretion, any person or persons who shall bring before him a vexatious lawsuit through malice, or private pique, against the defendant, all fines so collected shall be paid into the county Treasury.

Approved Feb. 4, 1852.

AN ACT CREATING THE OFFICE OF SELECT MEN AND PRESCRIBING THEIR DUTIES.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That there shall be elected in each organized county at the next August election, three Select men, whose term of office shall be three years, as follows, to wit: the Senior shall hold his office three years; the second two years, and the Junior one year; and thereafter one shall be elected each year, who shall hold his office for the term of three years, and until his successor is elected and qualified.

SEC. 2. Said Select men shall be sworn before the clerk of the Probate court, and give such bonds as the clerk shall approve, and the same shall be filed in the clerk's office, who shall give them a certificate of office, under the seal of the Probate court.

SEC. 3. It shall be the duty of the Select men within their respective counties, in connection with the Probate Court, to oversee the poor residing in said county, and provide for their maintenance, to take the care, custody, and management of insane persons residing in said county, who are incapable of conducting their own affairs, and of their estate both real and personal, and to provide for the safe keeping of such insane persons, their maintenance and the maintenance of their families, and the education of their

children. The Select men shall also have authority to bind out orphan children, and vicious, idle, or vagrant orphan children, or such minors until they shall attain the age of legal majority. The Select men shall have power to appoint guardians for minors who are orphans, for the persons and property of the insane where they shall be found incapable of managing their own affairs, and generally to do and perform all other duties pertaining to their office as shall be required by law, or by the Probate Courts in their respective counties.

SEC. 4. Said Select men shall keep a record of all their proceedings, and return a copy thereof to the county court, at each of their regular sessions, as also a true report of the affairs and situation of the poor or destitute and insane within their respective counties, and make such suggestions and recommendations as to them shall appear necessary for the action of the court.

SEC. 5. Any person being an elector is eligible to the office of Select men without regard to any other office which he may be the incumbent, except such as are prohibited by the Organic Act.

Approved Feb. 5th, 1852.

AN ACT REGULATING THE PRACTICE OF THE SEVERAL COURTS IN UTAH TERRITORY IN CIVIL SUITS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That if any person or persons commence a suit in any of the courts in this Territory, it shall be his, her, or their duty to file his, her, or their note, or book accounts, or for damage or trespass as the case may be, with said court, and state the facts in relation to the same on oath or affirmation, to be recorded by the court for the examination of the adverse party.

SEC. 2. It shall be required of the defendant, to file his, her, or their claim, or set-off, if any they have, with

oath. the court before joining issue, on oath or affirmation in relation to the facts in the case.

SEC. 3. That in all suits, either party have a right to call on the adverse party for their testimony, the same as on as witness. other witnesses.

SEC. 4. It shall be required of all persons going to law, to file all their notes and accounts that are due, as provided by this act; and on their failing or refusing to do the same, shall for ever be deprived of the power of collecting such claims.

SEC. 5. That nothing in this act shall prevent agents or attorneys from planting suits, or defending suits; but at the same time they shall give all the information they have, in relation to the amount so filed, on oath or affirmation.

SEC. 6. That on all judgments rendered by any of the courts in this Territory, the stay of execution shall be had by the defendant or defendants giving security for the payment of debt and cost, to the acceptance of the court, or the plaintiff; the request to stay execution shall be made known on day of trial, and security given within five days from the time judgment is rendered.

SEC. 7. That all sums of twenty dollars and under, may be staid thirty days; all sums over twenty dollars and not to exceed fifty dollars, may be staid sixty days; all sums over fifty dollars and not to exceed one hundred dollars may be staid ninety days; all sums over one hundred dollars may be staid six months.

SEC. 8. That at the expiration of the stay of any execution, if not satisfied, it shall be the duty of the court to issue an execution, for the property of the defendant, or defendants, and in all cases the security to stay an execution shall be considered one of the defendants; but in all cases the property of the principal, shall first be taken and exposed to pay the debt.

Approved March 3rd, 1852.

AN ACT FOR THE REGULATION OF ATTORNEYS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the right of being heard by self or counsel shall not be denied to any person, claiming a trial as plaintiff, or defendant, in any court in this Territory; and it shall be the duty of all Judges of courts in this Territory, to grant a hearing as counsel to any person of good moral character, chosen by any person or persons to prosecute or defend a case, in which he, she, or they, are a party.

Any person may act as his own counsel.
Any person of good moral character may be employed as counsel.

SEC. 2. No person or persons, employing counsel in any of the courts of this Territory, shall be compelled by any process of law to pay the counsel so employed, for any services rendered as counsel, before or after, or during the process of trial in the case.

Counsel cannot collect any thing by law for his services.

SEC. 3. It shall be the duty of the Judges of all courts in this Territory, to forbid and prevent all indecent and exciting language and behavior in their courts; and in case of a rebuke to counsel being disregarded, and resented by said counsel, it shall be the duty of the Judge giving such rebuke, to nullify the right to plead of such counsel, and to take measures to prohibit him from being heard as counsel in any court of this Territory, until such time as satisfaction has been given for his good conduct in future. And it shall further be his duty to impose a fine not exceeding one hundred dollars, on such counsel as he may deem just; and he may commit said counsel to prison during the term of the court then being holden.

Counsel not permitted to use improper language.
Judge may prohibit the counsel from pleading in any court.
Counsel may be fined or imprisoned.

SEC. 4. It shall be the duty of the Executive officers of all courts in this Territory, to arrest without process, and put in safe keeping all persons, whether counsel or other officers of courts, or persons within the hearing of such courts, who shall in any way behave indecently or riotously, or use indecent, riotous or exciting language, subject to the release or action of the Court, in which such arrest is made; and such Executive officers may call for such assistance as may be necessary in making such arrest, and for the safe keeping of such person, or persons so offending.

Executive officers may arrest without process.

SEC. 5. Any Attorney, or person otherwise assuming

Duty of attorney

neys and others to appear before any court in this Territory in any cause whatever, shall present all the facts in the case, whether they are calculated to make against his client or not, of which he is in possession, and shall present the best evidence that he can in the case to the intent that the true state of the case in litigation may be presented before the court, and for a failure to do so, or to comply with all the requirements of this act, shall be liable to all the penalty hereinbefore provided for, and the further penalty of not less than one dollar at the discretion of the court.

In default of duty.

Penalty.

Approved Feb. 18th, 1852.

AN ACT IN RELATION TO MARSHALS AND ATTORNEYS.

Marshal, how elected.

Term of office.

Give bonds.

Bond, how approved.

May appoint deputies.

may be removed by the marshal.

Duty of marshal and deputies.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That a Marshal shall be elected by a joint vote of both Houses of the Legislative Assembly, whose term of office shall be four years, unless sooner removed by the Legislative Assembly, or until his successor is elected and qualified. Said Marshal shall, before entering upon the duties of his office, take an oath of office, and file bonds with securities in the penal sum of not exceeding twenty thousand dollars, conditioned for the faithful discharge of his duties, which bond, with securities, is to be approved by the Secretary of the Territory, and filed in his office.

SEC. 2. Said Marshal shall have power to appoint one or more deputy Marshals, in each Judicial District of the Territory, as the necessity of the case may require, whose term of office shall expire with that of the Marshal; but they may at any time be removed at his discretion.

SEC. 3. It shall be the duty of the Marshal, or any of his deputies, to execute all orders, or processes of the Supreme or District Court, in all cases arising under the laws of the Territory, and such other duties as the executive may direct, or may be required by law pertaining to the duties of his office.

SEC. 4. An Attorney General shall be elected by the joint vote of the Legislative Assembly, whose term of office shall be four years, unless sooner removed by the Legislative Assembly, or until his successor is elected and qualified, and shall, before entering on the duties of his office, take an oath of office, and give bonds and security to the people of the Territory, conditioned for the faithful performance of his duty, to be approved by the Secretary of the Territory and filed in his office.

Attorney General, how elected.
Term of office.
Give bonds.
Bonds how approved.

SEC. 5. It shall be the duty of the Attorney General to keep his office at the seat of Government, to attend to all legal business on the part of the Territory, before the courts, where the Territory is a party, and prosecute individuals accused of crimes in the Judicial District in which he keeps his office, in cases arising under the laws of the Territory, and such other duties as pertain to his office.

Duty of attorney general.

SEC. 6. There shall be elected for each Judicial District (except the one in which the Attorney General keeps his office) a District Attorney by the joint vote of both Houses of the Legislative Assembly, who shall hold his office for four years, unless sooner removed by the Legislative Assembly, or until his successor is elected and qualified, and shall, before entering on the duties of his office, take an oath of office, and give bonds to the people of the Territory, conditioned for the faithful performance of his duties, to be approved by the Secretary of the Territory, and filed in his office.

District attorney, how elected.
Term of office
Give bonds.
Bonds, how approved.

SEC. 7. It shall be the duty of the District Attorneys, to attend to legal business before the Courts in their respective districts, where the Territory is a party; prosecute individuals accused of crimes, in cases arising under the laws of the Territory, and do such other duties as pertain to their office.

Duty of district attorney.

SEC. 8. A Prosecuting Attorney shall be appointed by the Probate Judge in each organized county in this Territory, whose term of office shall be four years, unless sooner removed by the Probate Judge, or until his successor is appointed and qualified, whose duty it shall be to attend to all legal business in the county, in which the Territory is a party, and prosecute before the Probate Court of his county, all individuals accused of crimes. Said Attorneys

Prosecuting attorney, how appointed.
Term of office,
Duty of prosecuting attorney.

shall, before entering upon the duties of their respective offices, take an oath of office, and give bonds with securities, conditioned for the faithful performance of their duties, to be approved by the clerk of the Probate Court, and filed in his office.

Approved March 3, 1852.

AN ACT IN RELATION TO WRITS OF HABEAS CORPUS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the petition for the Writ of Habeas Corpus must be in writing, and be sworn to, and signed by the prisoner, or some person, on his, her, or their behalf, setting forth the facts concerning his, her, or their imprisonment, and in whose custody, he, she, or they are detained, and shall be accompanied by a copy of the warrant or warrants of commitment, or an affidavit that the said copy had been demanded of the person or persons in whose custody the prisoner or prisoners are detained, and by him or them refused, or neglected to be given.

SEC. 2. Upon the presentation of the foregoing petition to any court having jurisdiction, the writ of Habeas Corpus shall be awarded, unless it shall appear from the petition itself, or the documents annexed, or the showing of the petitioner, the party so applying would not be entitled to any relief.

SEC. 3. The Writ of Habeas Corpus may be allowed by the Supreme, District, or Probate Court, or any Judge thereof, and may be served in any part of the Territory.

SEC. 4 Application for this writ must be made to the court or Judge most convenient in point of distance to the applicant, and the more remote court, or Judge, if applied to for the writ, may refuse the same, unless a sufficient reason be adduced in the petition for not making the application to the more convenient court, or Judge.

SEC. 5. When the writ shall be awarded, it shall appear under the seal of the court issuing the same, or if it be issued by any Judge it shall be signed by him, and shall be substantially in the following words, to wit:

Territory of Utah. } To the Marshal, or sheriff, or other Form of the
County of— } officer, or to A.B., (as the case may be,) writ.

You are hereby commanded to have the body of C. D. by you detained as alleged before the court, or before me E. F., Judge &c., (as the case may be,) at— on— or forthwith, after being served with this writ to be dealt with according to law, and to abide such order as the court or Judge shall make in the premises, and have you then and there, this writ, with a return of your doings in the premises.

SEC. 6. When the writ is disallowed, the court or Judge Disallowance of writ. shall cause the reasons of said disallowance to be appended to the petition, and returned to the person applying for the writ.

SEC. 7. To the intent that no officer, sheriff, jailor, constable, or other person, or persons whatsoever, upon whom such writ shall be served, may pretend ignorance thereof, such writ or copy thereof, shall be endorsed with Endorsement the following words: "By the Habeas Corpus Act," and 'By the Habeas Corpus Act.' all persons upon whom such writs shall be served, holding said prisoner or prisoners shall make return of such writ, and shall bring or cause to be brought, the body or bodies of such person, or persons, before the court or Judge issuing said writ according to the requirements of the same.

SEC. 8. Whenever the court or Judge, authorized to grant this writ, has evidence that any person within the jurisdiction of such court or Judge is unjustly imprisoned, or restrained of his liberty, it is the duty of such court or Judge to issue, or cause to be issued, the writ as aforesaid, though no application be made therefor. Writ may be issued without application.

SEC. 9. The writ may be served by the officer, or by Any person may be appointed to serve writ any other person appointed for that purpose by the court or Judge, by whom it is issued or allowed. If served by any other person than the officer, he possesses the same power, and is liable to the same penalty for a non-performance of his duty as though he were the officer.

SEC. 10. The proper mode of service is by leaving the

Mode of serving the writ.

original writ with the defendant, or person holding or detaining such plaintiff or prisoner, and preserving a copy, on which to make the return of service.

Writ may be served upon any person holding prisoner.

SEC. 11. If the defendant cannot be found; or if he have not the plaintiff in custody, the service shall be made upon any person having the plaintiff in custody, in the same manner and with the same effect as though he had been made defendant therein.

Defendant may be arrested.

SEC. 12. If the defendant conceal himself, or refuse admittance to the person attempting to serve the writ; or if he attempt wrongfully to carry the person out of the county or Territory after the service of the writ as aforesaid, the officer or the person who is attempting to serve, or who has served the writ, as above contemplated, is authorized to arrest the defendant, or other person so resisting, and bring him or them together with the plaintiff forthwith before the officer or court before whom the writ is made returnable. In order to make such arrest the officer or other person having the writ, possesses the same power to execute the same as is given to a sheriff for the arrest of a person charged with felony.

Defect of form.

SEC. 13. The writ of Habeas Corpus must not be disobeyed for any defect of form or mis-description of the plaintiff or defendant: *Provided*, enough is stated to show the meaning and intent of the writ. Service being made in any mode, the defendant must appear at the proper time and place, and answer the petition. He must also bring the body of the plaintiff, or show good cause for not doing so; to get possession of a plaintiff's person, when there is no person appearing to have him in chage or custody; the same power is given to the officer or per having the writ, as is given to sheriff for the arrest of a per-son charged with felony.

Imprisonment and fine.

SEC. 14. A wilful failure to comply with the requisitions of this act, renders the defendant or offending party, liable to be attached for a contempt, and to be imprisoned till a compliance is obtained, and also subjects him to a forfeiture of one thousand dollars to the party thereby aggrieved

Defendant's

SEC. 15 The defendant in his answer must state plain-

ly and unequivocally, whether he then has, or at any time ^{answer.} has had the plaintiff under his control and restraint, and if so, the cause thereof. If he has transferred him, he must state the fact, and to whom, and the time thereof, as well as the reason or authority therefor.

SEC. 16. Any Judge, whether acting individually, or ^{Judge may be} as a member of the court, who wrongfully and wilfully re-^{fine and im-} fuses to award such writ whenever proper application for ^{prisoned.} the same is made, shall forfeit and pay the sum of one thousand dollars, which may be recovered by an action of debt for the use of the Territory; and may be imprisoned for a term not exceeding one year

SEC. 17. Until the sufficiency of the cause of restraint ^{Plaintiff to be} is determined, the defendant may retain the plaintiff in ^{retained in cus-} custody, and may use all necessary and proper means ^{tody.} for that purpose.

SEC. 18. The plaintiff in writing, or by his Attorney, ^{Plaintiff may} may waive his right to be present at the trial, in which ^{be absent.} case the proceedings may be had in his absence. The writ in such cases will be modified accordingly. If no sufficient, just legal cause of detention is shown, the plaintiff must be discharged.

SEC. 19. Upon the return of any writ of Habeas Cor- ^{Proceedings of} pus, the court or judge, shall, after having given sufficient ^{the court.} notice, proceed in a summary manner to settle the said facts, by hearing the testimony and arguments, as well of all parties interested civilly if any there be, as of the prisoner or prisoners; and the person or persons who hold him, her, or them in custody, and shall dispose of the prisoner or prisoners, as the case may require, in all cases where the imprisonment is for a criminal offence, and there is not sufficient cause for discharge; and although the commitment may have been informally made, or without due authority, or the process may have been executed by a person not duly authorized, the court may make a new commitment, or admit the party to bail if the case be bailable.

SEC. 20. Disobedience to any order of discharge or ^{Fine and im-} attempt to elude the service of the writ of Habeas Corpus, ^{prisonment of} or to avoid the effect thereof, subjects the defendant ^{defendant.} to a

fine of one thousand dollars, and imprisonment for the term of one year; and any person knowingly aiding and abetting in any such act, shall be subject to the like punishment.

Fine of officer. SEC. 21. Any officer refusing to deliver a copy of any legal process by which he detains the plaintiff in custody, to any person who demands such copy, for the purpose of taking out a writ of Habeas Corpus, shall forfeit not exceeding two hundred dollars to the person so detained.

Sureties in case of bail. SEC. 22. All persons admitted to bail on Habeas Corpus, shall enter recognizance with sufficient sureties, in such sum as the court shall direct, having regard to the circumstances of the plaintiff, and the nature of the offence, conditioned for his, her, or their appearance at the next term of the court to be holden in the county where the offence was committed, or where the same is to be tried. And all material witnesses shall also be required to enter recognizance to appear at the same time and place, and not depart therefrom without leave. All such papers must be filed in the clerk's office, where the same is made returnable.

Damages. SEC. 23. The recovery of any penalties incurred by reason of the provisions of this act, shall be no bar to a civil suit for damages.

Approved Feb. 2d, 1852.

AN ACT GOVERNING WRITS OF ATTACHMENT AND CAPIAS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That when any person or persons, shall file an affidavit in any of the courts of this Territory, that some person or persons are about to leave the county or Territory, removing their effects with the intention, he believes of defrauding his, her, or their creditors, and that such person or persons are indebted to him, her, or them, either by note or book account, and are*

about to leave without paying the same, the court shall issue a writ of Attachment upon the goods, chattels, and effects, of such person or persons, and such goods chattels^{writ of attachment.} and effects shall be held to pay the debt and cost; if, upon a trial, judgment shall be rendered against the defendant. The writ of Attachment may be directed to any and all persons that shall be owing the said defendant when there is not sufficient property found to satisfy the debt and cost; and any such person so notified or served with an Attachment shall be considered garnisheed, and said indebtedness shall be held liable for the debt of the defendant until the same shall be satisfied.

SEC. 2. In all cases of Attachment, bail may be taken^{Bail.} to the satisfaction of the court for debt and cost; and in case bail is given, the property shall be free from the Attachment. The court, on issuing an Attachment, shall notify the person whose goods are attached, of a set time and place for trial.

SEC. 3. In case an Attachment shall be obtained from any court, and upon trial, no judgment shall be found for^{Damage may be recovered.} the plaintiff, the defendant whose goods have been attached, may recover by law all the damage, he may have sustained by such Attachment.

SEC. 4. Capias may be served on any person not a^{Capias.} householder: *Provided*, That any person shall not be held with Capias, more than fortyeight hours without trial. Capias may also be served on any person while in the act of leaving the county or Territory.

SEC. 5. When any person or persons shall have left^{Attachments may be had upon the goods &c., of non-residents.} the Territory, or shall not be a resident of the Territory, leaving behind him debts unpaid, if such person or persons have property within the Territory, it may be lawful for such creditors to sue out a writ of Attachment against such absent debtor, his goods, chattels, and effects, dues and demands. And all such property, dues, and demands, shall be held to pay all the debts such debtor shall have left unpaid, if upon a trial a judgment shall be had against the defendant.

Approved, March 3d, 1852.

AN ACT CONCERNING WRITS OF REPLEVIN.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That when any person or persons shall have any species of property in his, her, or their possession, and such property shall be claimed by some other person or persons, and be demanded by such other person or persons; and if not given to the party or persons that have made the demand, the party demanding may file an affidavit, giving good security to the opposite party for costs and damages before any Justice of the Peace within the county, where such property may be situated, or other court having jurisdiction, or such person or party holding such property may be found, (or where he, she, or they may reside,) the affidavit shall state that he, she, or they are the rightful owner of such property, describing the same, and in whose possession it may be found, the court or Justice shall issue a writ, directed to the Sheriff or Constable, or other officer.

Conditions on which a writ of replevin is issued.

SEC. 2. Such Sheriff or Constable, or other officer, shall serve such writ of Replevin, and the officer shall execute such writ by taking into his custody all such property that is specified in the writ, and safely keep the same until a decree of court shall be had thereon; the officer shall deliver all such property to the person or party in whose favor the decree of the court shall have been made.

Officer must take into custody the property until decree of court.

SEC. 3 In all cases, the defendant shall have the right to give good and sufficient bail to the court issuing a writ of Replevin, conditioned for the payment for all damages and costs, and when bail is extended, the defendant may retain the property replevied until a decision of court shall be had, when it shall be delivered to the person in whose favor the decision of the court shall be given. In case the defendant shall not give bail as herein provided for, the plaintiff may, by giving bonds with securities approved by the court, for all costs and damages that may accrue, take into his possession the property in dispute, and retain the same until a decree of court shall be had thereon.

Defendant may retain property on bail.

Plaintiff may take the property.

Writ may be issued by Justice of the peace.

SEC. 4. A Justice of the Peace may issue a writ for the replevy of property, and try all cases of Replevin, where the amount of property in dispute shall not exceed

one hundred dollars; where the amount in dispute shall exceed that sum, he shall transmit a copy of his proceedings in issuing said writ, to a higher court, who shall try all such cases, the same as if the writ had been issued from that respective court. ^{If amount exceed \$100, it must be referred to a higher court.}

Approved March 3d, 1852.

AN ACT IN RELATION TO WRITS OF EJECTMENT.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That where any land, or lands, house, buildings or any premises have been let, leased, or contracted for a term, and at the expiration of the contract, the lessee refuses to yield up the possession to the lessor, in such case the lessor may enter complaint in writing of the same, stating in substance the facts of the case on oath, before any court having jurisdiction; and the court shall issue a writ against the lessee, requiring the lessee to yield up said premises within twelve days from the date of said writ, giving ten days notice from service by copy delivered, or left at the place of abode of, the lessee, or at a day to be named in the writ to appear before said court to show cause why the said premises are so retained. And the said court shall, on hearing the case, and allegations of the parties within three days thereafter, render a judgment in the case. If it be for the lessee to yield the possession, he shall be required to do so within five days from the time of the rendering of said judgment, and shall be held for the costs of suit and damages. And should the lessee refuse or neglect to comply with said judgment in yielding possession, the lessor may compel by writ of ejectment the required possession forthwith. ^{Lessor may enter complaint in writing against lessee. Court to issue writ against lessee. Decision of court.}

SEC. 2. Wherever any person or persons shall be in possession of a house, farm, or parcel of land; and such house, farm, or parcel of land shall be claimed as provided for by this act, the party claiming shall be entitled to be dispossessed. ^{Occupant may be dispossessed}

possess the occupant, and the defendant shall have all the benefit of law as above provided.

Justices may have jurisdiction in the case: Sec. 3. Nothing herein contained shall be so construed as to prevent any Justice of the Peace from having jurisdiction, after the proper security shall have been given, to issue ejectment, try the merits and enforce the judgment thereon in a summary manner.

Approved March 3d, 1852.

AN ACT REGULATING TRANSFERS OF POSSESSION OF LAND AND REAL ESTATE.

Quit claim to be given in writing; acknowledged by county recorder.
Form of transfer.
Sec. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That when any conveyance, sale, or transfer shall be made of any legal claim, or right of possession of any city lot, or surveyed land or lands, part or parts thereof, within this Territory, the seller, or vendor of the same, shall make and execute to the vendee a full and written quit claim of release of, and to all right of claim and possession to the premises so transferred; and shall acknowledge the same before the county Recorder where the premises are situated. The transfer to be in form as follows, viz: Be it known by these presents, that I _____ the just, true, and rightful claimant, owner, and possessor of lot _____ in block _____ containing _____ acres in _____ survey, in _____ county, do, for and in consideration of the sum of _____ dollars to me in hand paid by _____, the receipt whereof is hereby acknowledged, sell, release, quit claim, and transfer all my right of claim, interest, and possession of and to the aforesaid premises, to the said _____ heirs or assigns.

Transfer to be recorded.
Sec. 2. It shall be the duty of the county Recorder to take acknowledgments of all such transfers as shall be presented to him, as is prescribed in this act, and record the same in a suitable book to be kept by him for that purpose, and transmit the same to his successor in office, and shall be entitled to 50 cents for each acknowledgment,

and record so made by him ; and one dollar for each transfer that he shall make, to be paid by the vendor or vendee in the case: *Provided*, That nothing in this act shall be so construed as to prevent the vendor and vendee from making the transfer themselves. But no transfer shall be valid unless it be recorded as is prescribed in the first section of this act.

SEC. 3. The county Recorder shall not record any land to any person on application or by transfer, until a certificate of the survey has been produced that such land has been surveyed, and such certificate of survey has been approved and countersigned by one or more of the select men in the county. Certificate of survey.

SEC. 4. One year shall be allowed to persons having land surveyed, to enclose and fence said land; and on their failing to enclose said land within one year, their title to said land shall be nullified; and such land shall be declared common, and may be surveyed to any person applying for the same. Lands must be fenced or title will be nullified.

Approved, March 6, 1852.

ACT IN RELATION TO ESTATES OF DECEASED.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That any person of full age and sound mind, may dispose, by will, of all his property, except what is sufficient to pay his debts, or what is allowed as homestead or otherwise to wife or family; property subsequently acquired may also be devised. Wills.

SEC. 2. Personal property may be bequeathed by verbal will, if witnessed by two competent witnesses; all other wills to be valid must be in writing, witnessed by two competent witnesses, and signed by the testator, or by some person in his presence and by his express direction. Verbal wills. Witnesses to written wills.

SEC. 3. Posthumous children unprovided for by the Interest of posthumous children.

Fathers' will, shall inherit the same interest as though no will had been made.

SEC. 4. Wills duly sealed up and endorsed may be deposited with the Clerk of the probate court, whose duty it is to file, and safely preserve the same until the death of the testator or testators, unless they themselves sooner demand them.

Public reading of will. SEC. 5. Any person having the custody of a Will, shall, at the first stated term of the court, after being informed of the death of the testator, bring the same into court, where it shall be publicly read.

Wills to be recorded. SEC. 6. Wills, when proved and allowed, shall have a certificate thereof endorsed or annexed thereto; signed by the clerk, and attested by the seal of the court; all of which shall be recorded in a book to be kept for that purpose, and every will so certified, or record thereof, or a transcript of such record duly authenticated, may be read in evidence in all courts within this Territory, without further proof. Wills must be thus allowed and attested, to be carried into effect.

May be read in evidence.

Executors. SEC. 7. Executors are entitled to a copy of the will, and if there is no executor appointed in the will, or if he, or they shall fail to qualify and act, they may be appointed by the court. The court may also, for good cause, remove executors, as also fill vacancies.

Executors of non-residents. SEC. 8. If administration of the estate of any deceased non-resident, such executor may be appointed executor by qualifying himself as required of other executors, unless another executor has previously been appointed in this Territory.

How administration shall be granted. SEC. 9. Where no executor is appointed by will, administration shall be granted: First, to the wife of the deceased; second to his next of kin; third to his creditors; fourth, to any other person whom the court may select, and the court may unite individuals belonging to the same or different classes as executors, whenever it deems such a course expedient. The court must not appoint a person an executor, who is manifestly unsuitable for the discharge of the trust, nor who is a minor.

SEC. 10. Every executor, before entering upon the discharge of his duties, must give bonds in such penalty and securities as the Judge of the court approves, conditioned for the faithful discharge of his duties, and take and subscribe an oath to the same import, which oath and bond shall be filed in the Probate Court's office. New bonds and increased penalties, and new securities may be required whenever the court shall deem it necessary or expedient. ^{Executors' bond and oath.}

SEC. 11. The court when there is any necessary delay in granting a commission to any executor to act, may, in its discretion, appoint one or more special executors, to collect and preserve the property of the deceased, who shall qualify as above required. All executors shall make out and file an inventory of all the estate and effects, personal and real, belonging to such estate in the Probate Court's office within thirty days from the date of his commission. Upon granting full administration the powers of special executors shall cease, and all the business shall be transferred to the general executor. ^{Special executors.} ^{Inventory.}

SEC. 12. Nothing herein shall be so construed, when the interest of creditors are not prejudiced thereby, as to hinder the testator or the court prescribing the manner of winding up the affairs of the estates, or continuing his business in which the deceased was engaged at the time of his death, in order to wind up his affairs with greater advantage to the interest of the estate. ^{Court may prescribe rules for winding up the affairs of the estate.}

SEC. 13. All personal property of the deceased must be appraised by appraisers appointed by the court, and if any portion of such property be in another county, the same appraisers may serve, or others may be appointed by the court or by a disinterested Justice of the Peace of such county, and a supplemental inventory and appraisal must be made out whenever the existence of other property is discovered. ^{Appraisement of property.}

SEC. 14. When the deceased leaves a wife or family, no property exempt by law from execution, shall be considered assets, or administered upon, but shall be held for the exclusive benefit of the wife or family, and shall not be liable for any debts against the estate. ^{Property reserved for the benefit of family.}

Property to be delivered to the executor.

SEC. 15. All persons having any of the property or effects of a deceased person in their hands wrongfully, are required to deliver them up to the executor of the estate. The executor, with the approbation of the court, may compound with any debtor of the estate who may be thought unable to pay his whole indebtedness, or in order to avoid doubtful litigation.

Executor may compound with debtor.

Court may direct sale of property.

SEC. 16. The court, on application of the executor, shall, from time to time, direct the sale of such portions of personal effects as are of a perishable nature, or which from any cause would otherwise be likely to depreciate in value, and also such portions as are necessary to pay off the debts and charges upon the estate. If the personal effects are found insufficient to satisfy such charges, a sufficient portion of real estate may be ordered to be sold for that purpose.

Public or private sale.

SEC. 17. Property may be sold either at public or private sale, as shall be most conducive to the interest of said estate, and reasonable and general notice of public sale must always previously be given.

Conveyance of real estate.

SEC. 18. When real estate is sold, conveyance of the interest of the decedent may be made by the executor under the approval of the court.

Sale on credit.

SEC. 19. Property may also be sold upon credit, not exceeding twelve months, whenever the court is satisfied that the interest of the estate will be promoted thereby.

Expenses of administration & other charges.

SEC. 20. As soon as the executors are possessed of sufficient means, over and above the expences of administration, they shall pay off the charges of the last sickness and funeral of the deceased.

Payments next to be made.

SEC. 21. They shall, in the next place, pay any allowance which may be made by the court for the maintenance of a widow or minor children. Other demands against the estate are next payable; after which, legacies may be paid and distribution made to heirs by decent. A neglect or failure on the part of any creditor to give notice of his claim to the executor or the court, and not proving the same within two years from and after the granting of administration upon said estate, shall prove a bar to the fil-

Creditor to give notice of claims

ing of it for ever after, unless the said claim is in litigation, or unless unavoidable circumstances entitle the claimant to equitable relief.

SEC. 22. If there are not likely to be sufficient means ^{Dividend for} in all, to pay off the whole of the debts of any one class, ^{the payment of} the court shall, from time to time, strike a dividend of the ^{creditors.} means on hand among the creditors of that class, and the executor shall pay the several amounts accordingly.

SEC. 23. The personal estate of the deceased, not ne- ^{Distribution of} cessary for the payment of debts nor otherwise disposed ^{shares.} of as herein provided, shall be distributed to the same persons and in the same proportions as though it were real estate. The distribution shares shall be paid over as fast as the executor can properly do so. The property itself shall be distributed in kind, whenever that can be done satisfactorily and equitably; in other cases the court may direct the property to be sold, and the proceeds to be distributed. When the circumstances of the family require it, the court in addition to what is herein before set apart for their use, may direct a partial distribution of the money or effects on hand at any time after filing the inventory, he being satisfied that said amount, so distributed, will eventually be coming to said family.

SEC. 24. The homestead, occupied by the wife, or any ^{Homestead not} portion of the family of the deceased at the time of his ^{liable to any} death, shall in all cases be held free to the use of the wife ^{claim.} and family of the deceased, and shall not be liable to any claim or claims against said estate, and if there be ^{other} property remaining after the liabilities of the estate are liquidated, then it shall, in the absence of other arrangements by will, descend in equal shares to his children ^{Children to} or ^{have equal} their heirs; one share to such heirs through the mother of ^{shares,} such children, if she shall survive him, during her natural life, or during her widowhood; or if he has had more than one wife, who either died or survived in lawful wed- ^{Further divi-} lock, it shall be equally divided between the living and ^{sion of shares.} the heirs of those who are dead, such heirs taken by right of representation.

SEC 25. Illegitimate children and their mothers in- ^{Inheritance of} herit in like manner from the father, whether acknowl- ^{illegitimate} edged by him or not, provided it shall be made to appear ^{children and} their mothers.

to the satisfaction of the court, that he was the father of such illegitimate child or children.

ESTATES OF DECEASED CHILDREN MAY FALL TO PARENTS. SEC. 26. The parents or parent, if only one be living, may inherit the estate of their children when they shall die without wife or issue; but in all cases where the deceased leaves a wife, the inheritance shall not pass therefrom, so long as the name of the dead shall be perpetuated thereon.

PROPERTY GIVEN BY WAY OF ADVANCEMENT TO AN HEIR. SEC. 27. Property given by an intestate by way of advancement to an heir shall be considered part of the estate, so far as regards the division and distribution thereof, and shall be taken by such heir towards his share of the estate at what it would at the time be worth if in the condition in which it was given to him; but if such advancement exceeds the amount to which he would be entitled; he cannot be required to refund any portion thereof.

ESTATE OF DECEASED WIFE FALLS TO THE HUSBAND. SEC. 28. The husband shall inherit the estate of a deceased wife in the same manner as the wife the estate of the deceased husband, and the like interest shall in the same manner descend to their respective heirs.

EXECUTORS TO COMPLETE CONTRACTS. SEC. 29. Executors have power to complete the performance of contracts made by the intestate, either to receive or give conveyances to real estates upon the fulfilment of the terms of any contract previously so made.

EXECUTORS TO RENDER AN ACCOUNT TO THE COURT ONCE A YEAR. SEC. 30. Executors shall at least once a year, and oftener if required by the court, render his account to the court, showing the condition of the estate, its debts and effects; he must account for all property mentioned; but the appraisement shall be taken only as presumptive evidence of its value, neither shall the executor claim any benefit from the sale of property at a higher price than the appraisement; nor is he chargeable with any loss occasioned without any fault of his own.

DISCHARGE OF EXECUTORS. SEC. 31. Upon the final settlement by the executor, an order shall be entered, discharging him from further duties and responsibilities.

PROCEEDINGS PREVIOUS TO THIS ACT. SEC. 32. Nothing herein contained shall be so construed as to hinder or delay any proceedings or orders, already

made by any court having previous to this act had jurisdiction in the settlement of estates.

Approved March 3d, 1852.

AN ACT CONCERNING JOINT ENCLNSURES AND DIVISION FENCES.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That it shall be lawful for any company or number of persons interested in a joint enclosure to hold a meeting or meetings and elect such officers, as they may deem proper for the governing and controlling such enclosure; and at such meeting they shall have power to make their own laws for fencing and governing such enclosure, and for the disposal of the improvements or possessions in such enclosure of any person or persons, to defray any expenses accruing on such improvements or possessions, for fencing or other purposes: *Provided,* That when the improvements or possessions of any person or persons interested in such farm or enclosure, are so disposed of, and it shall appear to the parties composing such meeting, that the person or persons, whose improvements or possessions are thus disposed of, were not able to do his, her, or their proportion of the fencing or other improvements, for the payment of which such disposal was made, such person or persons shall be allowed ninety days to redeem his, her, or their improvements or possessions, by paying such expenses accrued and the expense of sale.

Interested persons may make their own laws in relation to joint enclosures

Redemption of improvements which have been sold.

SEC. 2. Before such meeting or meetings being held, ten days notice shall be given by posting up three written, or printed notices in the vicinity of such joint enclosure, stating the time and place of holding the meeting.

Notice of meeting

SEC. 3. *Be it further enacted,* That any person or persons, enclosing a farm or field adjoining a field or farm already enclosed, shall pay to the owner of such fence, one half of the value of the fence so made use of, to be appraised by two or more judicious persons, and such

Division fence.

payment being made, the person or persons making such payment shall be entitled to the ownership of one half of such fence.

Written notice
concerning par-
tition fence.

SEC. 4. It shall be the duty of any person or persons making a partition fence within any enclosure, to give written notice to the person or persons owning the adjoining lots or farms, and who will become interested in such partition fence, of his, her, or their intention to make such fence, and also to give such person or persons a reasonable time to make their proportion of such partition fence.

Farms fenced
within an en-
closure.

SEC. 5. Nothing herein contained shall be so construed as to prohibit any person or persons owning a lot or farm in any enclosure, from enclosing such lot or farm to itself, and on such enclosing fence being made to the satisfaction of the committee or persons appointed to review the fences of such joint enclosure, the person or persons enclosing such lot or farm, shall not be held responsible for the outside fence of such joint enclosure.

Approved March 3d, 1852.

AN ACT DEFINING WHAT MAY BE TRESPASS AND DAMAGE.

Cutting grass
on another's
land.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That if any person or persons, shall cut grass for hay on any land belonging to another person or persons, without his, or their consent, an action of trespass may be had against such offender, and damages recovered by process of law.

Cutting timber
on another's po-
ssession.

SEC. 2. If any person shall cut or haul off timber from the possessions of another person without his or their consent, an action of trespass and damage, may be had against such offender.

Property taken
publicly.

SEC. 3. If any person shall take any species of property belonging to another, publicly, but without the consent of the owner, an action of trespass may be had against such offender, and damages recovered by law.

SEC. 4. If any person shall ride across, or drive a wagon through a field of grain, or over any enclosed ground, belonging to another person, an action of trespass may be had against such offender, and all damages recovered. ^{Crossing enclosure..}

SEC. 5. If any person shall drive through, or lay down a fence, belonging to another person, and shall fail to put the same up, such offender shall be liable for all damages, to be recovered under an action of trespass. ^{Laying down fences.}

SEC. 6. An action for damages may be sustained; first, for goods stored or property in the possession of another person, that may be damaged while in such possession. ^{Damaged property.}

SEC. 7. That if any person or persons, after there shall have been a division of water, lawfully made in any county or precinct in this Territory, for irrigation or other purposes, shall in any way infringe upon the rights of any person or persons, they shall be liable in an action of trespass to the parties damaged; and liable to be fined at the discretion of the court having jurisdiction. ^{Infringing upon rights in regard to water.}

SEC. 8. That all damage done to fruit or shade trees, in or around enclosures, or lots, by careless driving, or the tying up of cattle or horses, or any needless destruction of any such shade or fruit trees, shall be considered a trespass, and such person or persons shall be liable for damage and fine according to the discretion of the Court having jurisdiction. ^{Injury of fruit and shade trees}

Approved March 3, 1852.

AN ACT CONCERNING MASTERS AND APPRENTICES.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That any minor child may be bound to service until the attainment of the age of legal majority; such binding must be by written indenture, specifying the terms of agreement, age of the minor (if known,) and shall moreover be signed by the minor if ^{Any minor child may be bound.} ^{indenture.}

over twelve years of age. Nothing herein shall be so construed as to prevent the Select men or Probate Court from binding out any idle, vicious or vagrant minor child without his or her consent, or the consent of the Parent or Guardian of such minor child; if such Parent or Guardian neglects, refuses, or otherwise fails in properly controlling the actions and education of such minor, and does not train him or her up in some useful avocation.

Idle, vicious, or vagrant children. **SEC. 2.** It is hereby made the duty of the Select men to look after, and take notice of all such cases, and when they shall find the minor child incorrigible, and the Parents unable, unwilling, or negligent as hereinbefore mentioned, bind him or her out to some suitable person to be trained to some useful vocation.

Powers of master. **SEC. 3.** The powers, liabilities and duties of master, and the rights of the apprentice, are the same as those of Parent and child respectively, except as to inheritance, and except as is otherwise provided by law.

Who may watch over the interests of the minor. **SEC. 4.** The Parent, Guardian, or officer, by whose act or consent any minor is thus bound, must watch over the interest of the minor so bound, and take measures for his, or her relief, whenever circumstances shall justify or the true interest of the minor child shall require.

Apprentices may be discharged if ill treated. **SEC. 5.** If the master shall illtreat his apprentice, or in any manner palpably fail in the discharge of his duties in regard to said apprentice, the said apprentice may be discharged from further service, and may moreover recover damages, and compensation for services.

Duty of master. **SEC. 6.** It shall be the duty of the master to correct and teach such minor child to observe the principles of good order and industry, and train him or her to some useful avocation. And it is hereby made the duty of such minor child to observe obedience to, and respect for, the requirements of the master. But if the apprentice bound as aforesaid, shall refuse to serve according to the terms of the indenture, or grossly misbehave, and the master shall be incapable or unable to influence or control such apprentice, he may be discharged from further obligations or liability, at the discretion of the court; and in the event

Duty of apprentice.

Masters may discharge apprentices for

of a dissolution, the apprentice shall receive such allowance for service previously rendered as may be considered just under the circumstances of the case. ^{bad conduct.}

SEC. 7. The death of the master, or his removal from the Territory, works a dissolution of the indentures, unless otherwise provided therein, or unless the apprentice shall elect to continue in his service. ^{Death or removal dissolves the indenture.}

SEC. 8. Any person, apprentice or servant, who shall have so elected, or agreed to render service in any other Territory, State or Country, shall come under the same regulations and requirements as herein provided; all such agreements or indentures for services being held as inviolate and binding, as if they had been entered into, and executed within this Territory. ^{Agreements in other territories and states.}

SEC. 9. If from habitual intemperance, and vicious and brutal conduct, or from vicious, brutal, and criminal conduct towards said minor child, the parent of the same shall be considered an unsuitable person to retain the guardianship, or control the education of said child, the Judge of Probate Court or Select men may appoint a suitable person to be the guardian of such child, and may, if deemed expedient, also cause said minor child to be bound as an apprentice to some suitable person, during his or her minority. Nothing herein shall be so construed as to take such minor child, if either the father or mother be a proper guardian. ^{Guardianship of minor child}

SEC. 10. The strict observance of the provisions of the indentures on the part of the master and apprentice must be considered essential to entitle either party to the benefits arising under the provisions of this act, and the Select men or the Probate Court shall enquire into such observance before either, awarding compensation or damages, or otherwise discharging or releasing either party from the requirements of such indentures, or the provisions of law in such cases made and provided. Nothing herein contained shall be so construed as to effect a release of either party from service or obligation, as the case may be, where the agreement or indentures have been entered into in any foreign State or country, or in this Territory for a longer period. ^{Indentures must be strictly observed.}

Minor child to
be sent to
school.

SEC. 11. The master shall send the said minor child to school between the ages of six and sixteen, three months in each year if there be a school in the district or vicinity; and at all times, and in all cases the master shall clothe the minor child in a comfortable and becoming manner.

Approved Feb. 7th, 1852.

AN ACT IN RELATION TO MINORS.

Period of min-
ority.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That the period of minority extends in males to the age of twenty-one years; and in females to that of eighteen years; but all minors obtain their majority by marriage.

Contracts of
minors.

SEC. 2. A minor is bound, not only by contracts for necessities, but also by his other contracts, unless he disaffirms them within a reasonable time after he attains his majority, and restores to the other party all money or property received by him by virtue of said contract, and remaining within his control at any time after attaining his majority.

Cases in which
minors cannot
disaffirm.

SEC. 3. No contract can be thus disaffirmed in cases where on account of the minors own misrepresentations as to his majority, or from his having engaged in business as an adult, the other party had good reason to believe the minor capable of contracting.

Contracts for
the personal
services of mi-
nors.

SEC. When a contract for the personal services of a minor has been made with him alone, and those services are afterwards performed, payment made therefor to such minor in accordance with the terms of the contract, is a full satisfaction for those services, and the parent or guardian cannot recover therefor a second time.

Approved Feb. 8, 1852.

AN ACT IN RELATION TO GUARDIANS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the father is the natural guardian of the person or persons of his minor children. If he dies without appointing any guardian, or is incapable of acting, the mother becomes the guardian. The parents are natural guardians.

SEC. 2. The natural and actual guardian of any minor child, may by will, appoint another guardian for such minor, if without such will, both parents be dead, or disqualified to act as guardian, the Probate Judge or Select men may appoint one. Guardians may be appointed by will. Probate judge &c., may appoint guardian.

SEC. 3. When a divorce is decreed or obtained, such order in relation to the children and property of the parties, and the maintenance of the wife may be made as shall be deemed right and proper; subsequent changes may be made by the Probate Court or Select men, in those respects when circumstances render them expedient. Children and property in case of divorce.

SEC. 4. In cases where the minor has property not derived from either parent, a guardian may be appointed by the Court or Select men to manage such property. The father or mother, if deemed a suitable person for that purpose, may be appointed the guardian to take charge of the property of his or her minor child. Property of minors not derived from parents.

SEC. 5. If the minor be over the age of fourteen years, and of sound intellect, he may select his own guardian, subject to the appointment of the Probate Court or Select men. If 14 years old minors may select guardian.

SEC. 6. Guardians must be sworn to the faithful performance of their duties, and give bond and security to be approved by the Court or Select men, and filed in the office of the Court of Probate. Guardians to give bonds and securities.

SEC. 7. All property belonging to minors must be inventoried, appraised, and a copy of the appraisement filed in the Probate Court's office, within twenty days after the guardian shall have been qualified. Guardians of the persons of minors have the same power and control over them that parents would have if living. Inventory &c., of property. Guardians to have the same power as parents.

SEC. 8. If necessary for the minor's support or education, to dispose of the minor's property, either personal or real, the guardian may do so, by giving general notice ten days previous to said sale; all such sales must be under the direction of the Probate Court, who shall cause the bonds of the guardian to be increased if he shall deem it necessary. The Court or Select men may also direct the postponement of such sale for further notice or consideration if they are of opinion that the interest of the minor would be promoted thereby. The avails of all such sales shall be accounted for, and the inventory filed in the Court of Probate's office, and applied under his direction.

SEC. 9. Conveyances of property may be made under the direction of the Court by the guardian.

SEC. 10. A failure to comply with any order of the Court or requirement of the Select men in relation to guardianship, may involve the dismissal of the guardian, and may be deemed a breach of the condition of his bond, for which he shall be liable, and the Court may appoint a new guardian, if it shall deem it necessary. Guardians shall account to the Court annually on oath, or oftener if required by the Court or Select men.

SEC. 11. Where a new guardian is appointed, the effects of the minor, which are in the hands of his predecessor, are to be delivered up to such new guardian.

SEC. 12. Guardians shall receive such compensation as the Court may from time to time allow. The amount allowed, and the service for which the allowance was made, must be entered upon the records of the Court.

Approved Feb. 3d, 1852.

AN ACT IN RELATION TO SERVICE.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That any person or persons coming to this Territory and bringing with them

servants justly bound to them, arising from special con-^{Service due in} tract or otherwise, said person or persons shall be entitled ^{other states or} to such service or labor by the laws of this Territory ^{territories shall} *Provided*, That he shall file in the office of the Probate Court, written and satisfactory evidence that such service or labor is due. ^{be binding in} ^{this territory.}

SEC. 2. That the Probate Court shall receive as evi-^{How contracts} dence any contract properly attested in writing or any ^{for servitude} well proved agreement wherein the party or parties serv-^{may be proved.} ing have received or are to receive a reasonable compensa-^{Proviso.} tion for his, her, or their services: *Provided*, That no con- tract shall bind the heirs of the servant or servants to service for a longer period than will satisfy the debt due his, her, or their master or masters.

SEC. 3. That any person bringing a servant or ser-^{Servants bro't} vants, and his, her, or their children from any part of the ^{from U. S. may} United State, or other country, and shall place in the office ^{be retained in} of the Probate Court the certificate of any Court of rec-^{servitude for} ord under seal, properly attested that he, she, or they are ^{life.} entitled lawfully to the service of such servant or servants, and his, her, or their children, the Probate Justice shall record the same, and the master or mistress, or his, her, or their heirs shall be entitled to the services of the said servant or servants unless forfeited as hereinafter provid- ed, if it shall appear that such servant or servants came into the Territory of their own free will and choice.

SEC. 4. That if any master or mistress shall have ^{Servants may} sexual or carnal intercourse with his or her servant ^{be forfeited.} or servants of the African race, he or she shall forfeit all claim to said servant or servants to the commonwealth; and if any white person shall be guilty of sexual inter- ^{Fine and im-} course with any of the African race, they shall be subject, on ^{prisonment for} conviction thereof to a fine of not exceeding one thousand ^{sexual inter-} dollars, nor less than five hundred, to the use of the Ter- ^{course with af-} ritory, and imprisonment, not exceeding three years. ^{rican race.}

SEC. 5. It shall be the duty of masters or mistresses, to provide for his, her, or their servants comfortable habi-^{Duties towards} tations, clothing, bedding, sufficient food, and recreation. ^{servants.} And it shall be the duty of the servant in return therefor, to labor faithfully all reasonable hours, and do such service with fidelity as may be required by his, or her mas- ter or mistress.

Master may
punish servants

SEC. 6. It shall be the duty of the master to correct and punish his servant in a reasonable manner when it may be necessary, being guided by prudence and humanity; and if he shall be guilty of cruelty or abuse, or neglect to feed, clothe, or shelter his servants in a proper manner, the Probate Court may declare the contract between master and servant or servants void, according to the provisions of the fourth section of this act.

Forfeit of serv-
ants by cruelty.

Transference
of servants.

SEC. 7. That servants may be transferred from one master or mistress to another by the consent and approbation of the Probate Court, who shall keep a record of the same in his office; but no transfer shall be made without the consent of the servant given to the Probate Judge in the absence of his master or mistress.

Fine and im-
prisonment for
transferring
servants con-
trary to law.

SEC. 8 Any person transferring a servant or servants contrary to the provisions of this act, or taking one out of the Territory contrary to his, or her will, except by decree of Court in case of a fugitive from labor, shall be on conviction thereof, subject to a fine, not exceeding five thousand dollars, and imprisonment, not exceeding five years, or both, at the discretion of the Court, and shall forfeit all claims to the services of such servant or servants, as provided in the fourth section of this act.

Servants to be
sent to school.

SEC. 9. It shall further be the duty of all masters or mistresses, to send their servant or servants to school, not less than eighteen months between the ages of six years and twenty years.

Approved Feb. 4th, 1852.

AN ACT IN RELATION TO BILLS OF DIVORCE.

Court of Pro-
bate have juris-
diction in cases
of divorce &c.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the Court of Probate in the county where the plaintiff resides, shall have jurisdiction in all cases of divorce and alimony, and of guardianship, and distribution of property connected therewith.

SEC. 2. The petition for a bill of divorce must be made in writing, upon oath or affirmation, and must state clearly and specifically the causes on account of which the plaintiff seeks relief. If the Court is satisfied that the person so applying is a resident of the Territory, or wishes to become one; and that the application is made in sincerity and of her own free will and choice, and for the purpose set forth in the petition; then the Court may decree a divorce from the bonds of matrimony against the husband; for any of the following causes, to wit:

Impotence of the defendant at the time of marriage; adultery committed by defendant subsequent to marriage; wilful desertion of his wife by the defendant, or absenting himself without a reasonable cause for more than one year; habitual drunkenness of defendant subsequent to marriage; conviction of defendant for felony subsequent to marriage; inhuman treatment so as to endanger the life of the defendant's wife; when it shall be made to appear to the satisfaction and conviction of the Court, that the parties cannot live in peace and union together, and that their welfare requires a separation.

SEC. 3. The husband may in all cases obtain a divorce from his wife for the like causes, and in the same manner as the wife obtains a divorce from her husband.

SEC. 4. Nothing herein contained shall be so construed as to prevent Courts of Probate from deferring their decree of a divorce, when the same is applied for, to any specified time, not exceeding one year, when it appears to him that a compromise might at a future time be made between the parties. During the time of such deference on the part of the Court, the bonds and engagements of matrimony may not be violated by the parties.

SEC. 5. The defendant, unless in a case of absence heretofore provided for on his or her part, shall have the right to appear, and shall receive a proper and timely warning thereto; should the defendant fail to appear, the Court may, if satisfied that the complainant is the injured party, and his or her claims are just and well grounded, decree a dissolution of the marriage contract between the complainant and defendant.

SEC. 6. When a divorce is decreed, the Court shall

Children and property of parties. make such order in relation to the children and property of the parties, and the maintenance of the wife, and such portion of the children as may be awarded to her, as may be just and equitable: *Provided*, That if the children shall have attained the age of ten years, and possess sound mind, they shall have the privilege to select of their own free will and choice, to which of their parents they will attach themselves: *Provided further*, That the parties may, with the approval of the Court, themselves agree upon the distribution of the property and disposal of the children: *Provided further*, That when it shall appear to the Court at a future time, that it would be for the interest of the parties concerned, that a change should be effected in regard to the former disposal of children or distribution of property, the Court shall have power to make such change as will be conducive to the best interests of all parties concerned.

Proviso.

Proviso.

Proviso.

Forfeits of guilty party. **SEC. 7.** When a divorce is decreed, the defendant or guilty party forfeits all rights acquired by marriage.

Fine and imprisonment of persons who seek to separate husband & wife. **SEC. 8.** It shall be the duty of the Courts of Probate in their respective counties, to punish by fine or imprisonment, or both, at their discretion, any person or persons who shall stir up unwarrantable litigation between husband and wife, or seek to bring about a separation between them.

Approved March 6th, 1852.

AN ACT IN RELATION TO MARKS AND BRANDS.

General office of recording marks and brands. **SEC. 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the General office for recording marks and brands shall be kept at the seat of government, and the recorder thereof shall be elected by the Legislative Assembly, and his term of office shall be four years, and until his successor is elected and qualified.

Election of recorder.

Auxiliary offices. **SEC. 2.** There shall also be an auxiliary recorder's office in every other county in this Territory, the duties of

which are hereby devolved upon the county clerks of their respective counties.

SEC. 3. It shall be the duty of the recorder at the seat of government, to keep a fair and faithful record of all marks and brands, in a book suitable for the purpose, which shall be free for the inspection of all persons interested. Said record shall show the name of each owner of the mark or brand so recorded, together with their place of residence; and it shall be his duty to define and designate the particular mark or brand to be used by each individual applying therefor.

SEC. 4. It shall be the duty of the recorder to consult the convenience of each person applying for a mark or brand: *Provided*, The mark or brand so applied for has not previously been given, or recorded to some other person, and to furnish to any person desiring it, a certificate of his or her brand: *Provided also*, If a character is wanted for a brand for which there is no type, the person applying therefor shall pay the extra expense thereof.

SEC. 5. It shall be the duty of the general recorder to furnish printed copies of all marks and brands to the clerks of the different counties, where such auxiliary office is established, to the amount that shall be applied and paid for at the rate of twenty five cents for each printed sheet so printed, of common writing paper, printed on four sides.

SEC. 6. Whenever any person wishing to obtain a recorded mark or brand, application therefor shall be made to the general recorder's office, at the seat of government; and if said applicant resides in any other county, than the one in which the seat of government is located, said application shall be made to the auxiliary office in said county; and it shall be the duty of the clerk of the county court in such county, to report said application, if there shall be any on hand, once a month, to the general recorder's office; and when said mark or brand is received, to make an entry thereof in a book suitable for the purpose, to be kept in his office; free to the inspection of all persons interested, and upon the reception of a certificate of a brand, to deliver the same to the said applicant; he shall also keep free to the inspection of all persons, a copy of

all the marks and brands recorded in the Territory, which shall be furnished him by the general recorder. Copies of all the recorded marks and brands shall be furnished said county clerks, or upon the completion of every succeeding sheet.

Estray animals with marks & brands. SEC. 7. Any person finding cattle or any animals, having recorded marks or brands, in any enclosure or other place where they may be doing damage, shall immediately secure and take good care of the same, and search diligently for the owner thereof, and restore the animal or animals to the said owner, if the same can be found, and the owner shall be liable for all reasonable costs and damages. And if said owner cannot be found after diligent search, said animal or animals may be driven to the stray pound.

(On the sale of animals the brand must be reversed. SEC. 8. It shall be the duty of every person, selling or disposing of any animal having a recorded brand to reverse the same on said animal; but if any person shall alter or deface any recorded brand on any animal, or place or cause to be placed, his own or other brand on any animal not belonging to said individual, any person so offending, shall be subject to any or all the penalties of this act, together with further punishments, applicable to felonious offences at the discretion of the court having jurisdiction.

Penalties for altering brands.

Duty of the keeper of estray pound. SEC. 9. Whenever any animal or animals having recorded brands are put into the estray pound, it shall be the duty of the overseer or keeper of the estray pound, to use due diligence to ascertain the owner or owners of said stock, both by reference to the record of brands and otherwise, and to notify the owner or owners of the same if known, or publish the same with the marks or brands, in four public places in the county, or some newspaper having general circulation in said county within three days from the time said stock are put in the pound.

Duties of pound keepers and public officers. SEC. 10. It shall be the duty of the pound keepers, and it is also required of all public officers of the Territory in their respective counties or precincts, to examine all trains and droves of cattle passing through their respective counties; and if they shall find any such animal or animals having recorded brands, which said brands do

not belong to the individual purporting to own said animal or animals, and the same has not been reversed thereon, to take the said animal or animals into their custody as stolen property, and advertise the owner of said brand thereof, who shall be liable for all expense and damage so incurred, if it shall appear that he has disposed of said animal or animals without reversing his brand.

SEC. 11. The clerks of the auxiliary offices in their ^{Fees of clerks.} respective counties, shall receive and forward a fee of fifty cents to the general recorder for each mark or brand applied for, as also twenty five cents for each sheet of copies of printed brands required. And he may receive the sum of twenty five cents for his own fee for every brand applied for through his office, which shall be in full for his services.

SEC. 12. The brands now recorded, and hereafter to be recorded, shall be arranged for distribution to the sev- ^{Marks & brands} eral counties, under the head of their several counties, so that all marks and brands owned in one county, shall be classed together, distinguishing at the head of each list, the name of the county in which they belong. ^{is to be done}

SEC. 13. The pound keepers in their respective counties, shall gather up all estrays therein, and after comply- ^{Estrays, what} ing with the requirements of this act in relation to seeking ^{is to be done} diligently for the owner, shall take a true description of, and value each estray remaining in his custody; and after advertizing the same as herein required, devote all such estrays or the proceeds arising from the sales thereof to the benefit of the Emigrating Fund, the company of which shall pay over the appraised value of such estrays to the owner of said estrays if found after deducting all expenses and reasonable charges incurred.

SEC. 14. Any officer or individual violating any pro- ^{Penalties.} visions of this act, shall be liable to a penalty of not less than one dollar, nor exceeding one thousand dollars, at the discretion of the Court having jurisdiction thereof.

SEC. 15. All acts and parts of acts heretofore passed ^{Acts repealed.} in relation to marks and brands, are hereby repealed: ^{Provido.} *Provided*, Marks and brands heretofore recorded, shall be and remain valid.

Animals on
their range.

SEC. 16. Nothing herein shall be so construed, as to interfere with peaceable animals running on their accustomed range, unless they are known to be estrays, irrespective of any mark or brand.

Approved March 1st, 1852.

AN ACT REGULATING THE PASSING AND MEETING OF TEAMS ON THE PUBLIC HIGHWAYS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That whenever it is necessary for a fast travelling team to pass a slower one, it shall be the duty of the teamster of the slow team to give the other a convenient opportunity to do so, if it can be done without endangering his own.

A slow team to
let a fast one
pass.

SEC. 2. Whenever teams of any kind meet, each shall turn to the right, so as to give the other half of the travelled part of the road, whenever it can be done with safety.

Teams on
meeting to
turn to the
right.

SEC. 3. Any person neglecting to conform to the provisions of this act, shall be liable to pay all damage accruing therefrom, and be fined at the discretion of the Court having jurisdiction in the case.

Penalties.

Approved, March 3. 1852.

AN ACT TO PROVIDE AGAINST DISTURBING RELIGIOUS MEETINGS, OR LAWFUL ASSEMBLIES OF THE PEOPLE.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That any person or persons who shall wilfully disturb any Religious meeting or lawful assembly of the people, by noisy or riotous actions, menaces, ludicrous language, or threats, shall be

Fine or imprisonment for disturbing religious meetings.

liable to arrest by any officer of the peace, and fined in any sum not less than five, nor over five hundred dollars, or imprisonment not over six months, at the discretion of the Court having jurisdiction.

Approved, March 3, 1852.

AN ACT IN RELATION TO PROFANITY AND DRUNKENNESS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That it shall be unlawful to use, with disrespect, the name of the Deity; and any person profaning the name of God shall be subject to fine, not less than two, nor more than ten dollars, or from one to five days hard labor on the public highway, at the discretion of the Court. Profaners.
Fine.

SEC. 2. Any person who shall become publicly intoxicated, so as to endanger the peace and quiet of the community, shall be liable to arrest by any officer of the peace, and fined in any sum, not less than one, nor more than ten dollars, at the discretion of the Court. Drunkenness.
Fine.

Approved, March 3, 1852.

AN ACT CONCERNING NOTARIES PUBLIC.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That there shall be elected by the joint vote of both Houses of the Legislative assembly, one Notary Public for each organized county in this Territory, who shall exercise said office, for and within the county, in which he resides; and the counties thereunto attached for judicial purposes. Notary public
in each county.

SEC. 2. Each and every Notary Public, before he en-

Bond and security. Notary upon the duties of his office, shall take the oath of office, for the faithful discharge of his duties, and shall give bond with sufficient surety, to be filed in the office of the Probate Judge, in the penal sum of five hundred dollars, conditioned for the faithful discharge of his office.

In case of vacancy the county clerk to take charge of records. SEC. 3. In case of any vacancy by removal or resignation, the records of said Notary Public, together with all the papers relating to the office, shall be deposited in the office of the county Clerk, in the county in which the said Notary Public resides.

A failure to comply with this act incurs a fine, &c. SEC. 4. And in case of neglect or refusal to comply with the requisitions of this act, and of failure to transmit such records as aforesaid, within the space of three months, the said Notary Public shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; and if any executor or administrator of any deceased Notary Public, shall neglect to lodge such records or papers, as aforesaid, which come into his hands, in the county Clerks office, within the space of three months after the acceptance of that trust, he shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; and if any person shall knowingly destroy, deface, or conceal any record or papers of any Notary Public, he shall forfeit and pay the above sum, and shall be moreover, liable to an action for damages by the party injured.

Fine and damages for destroying papers, &c.

Protestation of notes, &c. SEC. 5. It shall be the duty of each and every Notary Public, when any bill of exchange, promissory note, or other written instrument shall be by him protested, for non-acceptance or non-payment, to give notice, in writing thereof to the maker, and each and every endorser of a bill of exchange; and to the maker or makers of, and each and every security or endorser of any promissory note, or other written instrument, immediately after such protest shall have been made.

Notice to be given.

Record of notices, &c. SEC. 6. Each and every Notary Public shall keep a record of all such notices, and of the time and manner, in which the same shall have been served, and of the names of all the parties to whom the same were directed, and the description and amount of the instrument protested; which record shall at all times, be competent evidence to prove such notices, in any trial, before any Court in this Territory, where proof of such notice may become requisite.

SEC. 7. It shall be the duty of the several Clerks of the ^{County clerks} county Courts, to receive and keep safe all the records ^{to keep records} and papers directed by this act to be deposited in their office, and give attested copies of any of said records or papers, when required; and copies so given by the said Clerk, are hereby declared to be as valid as if the same had been given by the said Notaries Public; all forfeitures ^{Disposition of} under this act shall be, one half to the use of this Territory ^{forfeitures.} and the other half to him or them who shall sue for the same, to be recovered in an action of debt in any Court having jurisdiction of the same, in the county where such Notary Public shall reside.

SEC. 8. Full faith and credit shall be given to all the ^{Full faith in} protestations, attestations, and other instruments of pub- ^{the acts of no-} lication of all Notaries Public now in office, or hereafter ^{taries public.} to be elected under the provisions of this act.

SEC. 9. Notaries Public may also take acknowledg- ^{Acknowledg-} ments of deeds, wills, bonds, &c., and do all other business ^{ments of deeds} pertaining to his office. ^{&c.}

Approved, March 3, 1852.

A PREAMBLE AND AN ACT FOR THE FURTHER RELIEF OF INDIAN SLAVES AND PRISONERS.

Whereas, By reason of the acquisition of Upper California and New Mexico, and the subsequent organization of the Territorial Governments of New Mexico and Utah, by the acts of the Congress of the United States; these Territories have organized Governments within and upon what would otherwise be considered Indian Territory, and which really is Indian Territory so far as the right of soil is involved; thereby presenting the novel feature of a white legalized Government on Indian lands; and

Whereas, The laws of the United States in relation to intercourse with Indians are designed for, and only applicable to Territories, and Countries under the sole and exclusive jurisdiction of the United States; and

Whereas, From time immemorial, the practice of purchasing Indian women and children, of the Utah tribe of Indians by Mexican traders, has been indulged in, and carried on by those respective people; until, the Indians consider it an allowable traffic, and frequently offer their prisoners or children for sale; and

Whereas, It is a common practice among these Indians to gamble away their own children and women; and it is a well established fact, that women and children thus obtained, or obtained by war, or theft, or in any other manner, are by them frequently carried from place to place; packed upon horses or mules; lariatied out to subsist upon grass, roots, or starve; and are frequently bound with thongs made of raw hide, until their hands and feet become swollen, mutilated, inflamed with pain, and wounded; and when with suffering, cold, hunger, and abuse, they fall sick, so as to become troublesome, are frequently slain by their masters to get rid of them; and

Whereas, They do frequently kill their women and children taken prisoners, either in revenge, or for amusement, or through the influence of tradition, unless they are tempted to exchange them for trade, which they usually do if they have an opportunity; and

Whereas, One family frequently steals the children and women of another family, and such robberies and murders are continually committed, in times of their greatest peace, and amity; thus dragging free Indian women and children into Mexican servitude and slavery, or death, to the almost entire extirpation of the whole Indian race; and

Whereas, These inhuman practices are being daily enacted before our eyes in the midst of the white settlements, and within the organized counties of the Territory; and when the inhabitants do not purchase or trade for those so offered for sale, they are generally doomed to the most miserable existence; suffering the tortures of every species of cruelty, until death kindly relieves them and closes the revolting scenery:

Wherefore, When all these facts are taken into consideration, it becomes the duty of all humane and christian people to extend unto this degraded and downtrodden race, such relief as can be awarded to them, according to their situation and circumstances; it therefore becomes necessary to consider;

First; The circumstances of our location among these savage tribes under the authority of Congress, while yet the Indian title to the soil is left unextinguished; not even a treaty having been held, by which a partition of territory or country has been made, thereby

bringing them into our door-yards, our houses, and in contact with our every avocation.

Second; Their situation, and our duty towards them, upon the common principles of humanity.

Third; The remedy or what will be the most conducive to ameliorate their condition, preserve their lives, and their liberties, and redeem them from a worse than African bondage; it suggests itself to your committee that to memorialize Congress to provide by some act of National Legislation for the new and unparalleled situation of the inhabitants of this Territory, in relation to their intercourse with these Indians, would be one resource, prolific in its results for our mutual benefit: and further, that we ask their concurrence in the following enactment, passed by the Legislature of the Territory of Utah, January 31, A. D., 1852; entitled,

AN ACT FOR THE RELIEF OF INDIAN SLAVES AND PRISONERS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That whenever any white person within any organized county of this Territory, shall have any Indian prisoner, child or woman, in his possession, whether by purchase or otherwise; such person shall immediately go, together with such Indian prisoner, child, or woman, before the Select men or Probate Judge of the county. If in the opinion of the Select men or Probate Judge the person having such Indian prisoner, child, or woman, is a suitable person, and properly qualified to raise or retain and educate said Indian prisoner, child, or woman; it shall be his or their duty to bind out the same by indenture for the term of not exceeding twenty years, at the discretion of the Judge or Select men.

Any white person having Indian prisoner shall go before Probate Judge or Select men.

Court may bind out such Indian for 20 years.

SEC. 2. The Probate Judge or Select men shall cause to be written in the indenture; the name, and age; place where born, name of parents if known; tribe to which said Indian person belonged; name of the person having him in possession; name of Indian from whom said person was obtained; date of the indenture, a copy of which shall be filed in the Probate Clerk's office.

Probate Judge or Select men write name, age, &c. of prisoner in the indenture.

SEC. 3. The Select men in their respective counties, are hereby authorized to obtain such Indian prisoners, such prisoners

Select men to bind out such prisoners

in their respective counties. children, or women, and bind them to some useful avocation.

Master is required to send Indian prisoner 3 months each year to school.

SEC. 4. The master to whom the indenture is made, is hereby required to send said apprentice to school, if there be a school in the district, or vicinity, for the term of three months in each year; and at a time when said Indian child shall be between the ages of seven years and sixteen. The master shall clothe his apprentice in a comfortable and becoming manner, according to his, said masters, condition in life.

To clothe them comfortably.

Approved, March 6, 1852.

AN ACT IN RELATION TO THE ASSEMBLING OF INDIANS.

Indian traders assembling in vicinity of white settlements.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That if any Indian trader or traders, shall by any notice, or previous arrangement, assemble or cause to be assembled, any number of Indians, within the neighborhood, or immediate vicinity of any white settlement in this Territory, for the purpose of trading with them, to the annoyance of the citizens, or any neighborhood in this Territory, he shall be considered as breaking the peace, and may be proceeded against by any citizen of this Territory, in a suit at law, and may be fined in any sum not less than twenty five dollars, nor exceeding one thousand dollars, at the discretion of the Court having jurisdiction.

Fine.

Approved March 3d, 1852.

AN ACT TO REGULATE SURVEYORS AND SURVEYING.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the office of county

surveyor, be and hereby is created; and that there shall ^{County survey-} be a county surveyor, to be elected in each county, by the qualified voters at the next general election, whose term of office shall be two years, and until his successor in office shall be qualified.

SEC. 2. The county surveyor shall before entering up ^{Bond and secu-} on the duties of his office, take an oath of office and give ^{ties.} bonds, and security to be approved by the Probate Judge, and to be filed in the office of the clerk of the Probate Court.

SEC. 3. The county surveyor shall within thirty days ^{Copies of sur-} after completing any survey, make true copies, or dia- ^{vey to be trans-} grams of the same, and transmit one to the surveyor gen- ^{mitted to sur-} eral, and one to the county recorder; and give a certifi- ^{veyor general.} cate of such survey, to the person for whom it was made, describing the tract, block or lot, and number of acres contained; and such certificate shall be title of possession ^{Certificate.} to the person or persons holding the same.

SEC. 4. Where any survey has been made within this ^{First resurvey.} Territory, and the bounds cannot be identified, and disputes arise between rightful claimants, respecting said line and bounds, the parties so in dispute, or either of them, may, by notifying the other party, of his, her, or their intention, have a re-survey of the said lands so in dispute, to be re-surveyed by either the surveyor general, or the county surveyor, at the option of the party, or parties so requiring such re-survey. Should the parties or either of them be dissatisfied with such re-survey, they, or either of them, may, at his, her, or their expense, have another ^{Second re sur-} re-survey by both the surveyor general and county sur- ^{vey.} veyor, whose duty it shall be to make the re-survey as near like the former survey as they can, and such re-survey shall be final, and establish such bounds.

SEC. 5. Where any transfer shall be made of any ^{Transfer of} surveyed lands, or part or parts thereof, it shall be the ^{lands.} duty of the transferer, to certify in writing such transfer to the person to whom the transfer is made, with a full description of what part or parts, how much or length of line or lines, and number of acres, and the person or persons, to whom transferred; to legalize a claim to such land, shall within thirty days thereafter cause such transfer to be recorded in the county recorder's office.

SEC. 6. If any surveyor shall survey land or lands for the purpose of cultivation, where to irrigate it, would rob other previously cultivated lands of the needful portion of water, such last survey shall be void for cultivating purposes.

SEC. 7. Whenever a surveyor shall survey a piece of land, for a joint enclosure, he shall plot, and number the fence around the survey, noting the length of each persons portion of fence.

SEC. 8. All books, records, plots, and papers of surveys made within the Territory, kept by, and in the possession of the surveyor general appertaining to his office, are hereby made the property of the said Territory, and it shall be his duty to transmit the same to his successor in office.

Books &c. must
be transferred
to successor.

SEC. 9. Surveyors' fees shall be regulated as follows:

For surveying twenty acres,	- - -	\$2,00
" thirty acres,	- - -	2,50
" forty acres,	- - -	3,00
" sixty acres,	- - -	3,50
" eighty acres,	- - -	4,00
" one hundred acres,	- - -	4,50
" one hundred and twenty acres,	- - -	4,75
" one hundred and sixty acres,	- - -	5,00
" three hundred and twenty acres,	- - -	6,75
" six hundred and forty acres,	- - -	8,50

Fees.

and for traveling to and from, ten cents per mile: *Provided*, That if more than one piece is surveyed at the same time, in the same place and journey, the traveling fees for mileage shall be apportioned according to equity: *Provided*, That the route to survey through, shall be bad, and rough, in such case, the surveyor shall be allowed to charge in proportion, to make it equal to a good route.

Provided.

Governor to
appoint county
surveyor.

SEC. 10. The Governor is hereby authorized to appoint and commission the contemplated county surveyors of this Territory, who shall continue in office during the pleasure of the Governor, or until the next general election.

Approved March 3, 1852.

AN ACT AUTHORIZING THE FOREMAN OF GRAND JURIES TO ADMINISTER OATH.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That the foreman of all Grand Juries while in session within this Territory, are hereby authorized to issue process, and compel the attendance of witnesses, to give evidence in any matter of inquiry before said Grand Jury; and the foreman may administer oaths or affirmations to the witnesses thus in attendance.

Foreman may issue process to compel the attendance of witness and administer oath.

SEC. 2. That if any person or persons, after being duly notified (as contemplated in the first section of this act,) shall fail to attend, or shall wilfully refuse to testify, shall be subject to such penalties as are, or may be hereafter provided by law, regulating the courts of this Territory.

Persons fail to attend or refuse to testify, how punished.

Approved March 3, 1852.

AN ACT IN RELATION TO COMMON SCHOOLS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That it shall be the duty of the county court in each county, to divide, or cause to be divided, their respective counties into proper school districts, and cause to be elected by the qualified voters in each district, three trustees, who may appoint their own clerk.

School districts how made. School trustees how elected: they may appoint a clerk.

SEC. 2. It shall be the duty of the trustees so elected to superintend the school in their respective districts; also the erection of school houses, the furnishing of fuel &c. It shall be the duty of their clerk to keep and preserve their records, and report to the county court at their first session in each year, the number of scholars in their respective districts.

Duty of trustees and clerk

SEC. 3. It shall further be the duty of the county court to appoint in their respective counties a board of examination, to consist of three competent men, whose duty it shall

County court appoint board of managers their duties

be to hear and determine the qualifications of school teachers, and all applicants of a good moral character that are considered competent, shall receive a certificate to that effect, signed by the board.

SEC. 4. That the trustees so elected shall have power to assess and collect a Tax upon all taxable property in said district, for the purpose of building and keeping in repair suitable school houses, in their respective districts. In order to complete the collection of the Tax, in case of the refusal of any person to pay the Tax assessed, upon being duly notified thereto, the trustees have power to dispose of personal and real estate, and any conveyance made upon such sale shall be deemed valid.

Approved March 3d, 1852.

AN ACT IN RELATION TO UTAH LIBRARY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That a Librarian shall be elected by a joint vote of the Legislative Assembly of the Territory of Utah, whose duty it shall be to take charge of the Library, (known in law as the Utah Library) as hereinafter prescribed.

SEC. 2. Said Librarian shall hold his office during the term of two years, or until his successor is appointed, and shall give bonds for the faithful discharge of his duties in the sum of six thousand dollars, and file the same in the office of Secretary of the Territory before entering upon his duties, who may also appoint a deputy as occasion requires to act in his stead under the same restrictions as the principal Librarian.

SEC. 3. It shall be the duty of the Librarian to cause to be printed at as early a date as practicable, a full and accurate catalogue of all books, maps, globes, charts, papers, apparatus and valuable specimens in any way belonging to said Library; also to use diligent efforts to preserve from waste, loss or damage, any portion of said Library.

SEC. 4. It shall be the duty of the Librarian, for and ^{Librarian to} in behalf of the Territory of Utah, to plant suits, collect ^{prosecute or} fines, prosecute or defend the interests of said Library, or ^{defend in all} otherwise act as a legal plaintiff or defendant in behalf of ^{cases where the} the Territory, where the interests of the Library are concerned. ^{library is a par}

SEC. 5. The location of the Library shall be at the seat ^{Library kept at} of government of the Territory of Utah; and it shall be ^{the seat of gov} the duty of the Librarian to have all the books of the Library orderly and properly arranged within the Library room, for the use of such officers and persons as are named ^{Who shall be} in the fourteenth section of the Organic Act for Utah ^{permitted to} Territory, during each session of the Legislative Assembly ^{use books &c.} of Utah: *Provided*, however, that nothing herein contained, shall debar the Librarian, in vacation of the Legislative Assembly from permitting books, maps, and papers being drawn from said Library for professional and scientific purposes by officers of the United States, and of Utah Territory, and other citizens of Utah, where the Librarian shall judge the public good may justify.

SEC. 6. It shall be the duty of the Librarian to let ^{Librarian to let} out books for a specified time, and call in the same when ^{out books &c.} due, inflict fines for damage or loss of books, and collect ^{keep accounts} the same, and keep an accurate account of all his official ^{of his doings.} doings in a book kept for that purpose, and make an annual ^{Make annual} report of the same to the Legislative Assembly of ^{return to the} Utah: *Provided*, That no fine shall be excessive, or more ^{legislature.} than four times the purchase price of the book or books, for the loss or damage of which the fine may be inflicted.

SEC. 7. The Librarian is hereby entitled to draw from ^{Librarian draw} the Treasury of Utah for the current year as compensation ^{400 dollars from} for his services, the sum of four hundred dollars, not ^{Treasury of ter} otherwise appropriated; also the sum of two hundred dollars to defray the expenses of stationery, printing catalogue, and other contingencies.

SEC. 8. The foregoing act shall be in force after its passage; any previous law to the contrary notwithstanding.

Approved March 6, 1852.

APPROPRIATION BILL.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That there be paid out of the sum appropriated by Congress for defraying the expenses of the Legislative Assembly of this Territory for the year ending June the thirtieth, one thousand eight hundred and fifty-two, the following amounts, viz:

- W. C. Staines.** To W. C. Staines for stationery furnished the Legislature as per bill No. 1, sixty-eight dollars and eighty cents.
- W. Woodruff.** To W. Woodruff for stationery furnished the Legislature as per bill No. 2, ten dollars.
- T.S.Williams.** To T. S. Williams, for wood, stationery, tables, stands, &c., furnished the Legislature as per bill No. 3, one hundred and eighty-five dollars and forty cents.
- W.H.Kimball.** To W. H. Kimball for penknives furnished the Legislature as per bill No. 4, thirty-two dollars and seventy-five cents.
- Livingston & Kinkead.** To Livingston & Kinkead for window shades, candlesticks, pitchers, tumblers, candles, &c., furnished the Legislature, as per bill No. 5, sixty dollars and seventy-eight cents.
- Holliday & Warner.** To Holliday & Warner for penknives, buckets, pitchers, candles, &c., furnished the Legislature, as per bill No. 6, one hundred and fifty-one dollars and forty-one cents.
- E.C.Clark.** To E. C. Clark, for thirty-seven chairs furnished the Legislature, as per bill No. 7, one hundred and twelve dollars.
- E.D.Woolley.** To E. D. Woolley, for stationery, wood, clocks, &c., furnished the Legislature, as per bill No. 8, one hundred and thirty-six dollars and fifty cents.
- Judges and clerks of election, &c.** To sundry Judges and Clerks, for services at the general and special elections, held in this Territory for the election of the Legislative Assembly thereof, and for the payment of the guards and transmitting the returns of said election through the Indian country to the seat of Government, as per bill No. 9, seven hundred and seventy-three dollars and eighty cents.
- W.Richards.** To W. Richards, for extra papers furnished the House of Representatives, and the "Deseret News" for each member of the Legislature, as per bill No. 10, two hundred and one dollars.
- B.H.Young.** To B. H. Young, for printing the Governors messages and other incidental printing expenses for the Legislature,

as per bill No. 11; two hundred and sixty-five dollars and twenty-five cents.

To W. C. Staines, Librarian, as per bill No. 12, two hundred and twenty-two dollars. W.C. Staines.

For compensation and mileage of the members of the Legislature, five thousand one hundred and sixty dollars. Compensation for members of the Legislative Assembly.

To A. Carrington, chief Clerk of the House of Representatives, forty days, and for twenty days extra service, three hundred dollars. A. Carrington

To J. Grimshaw, assistant Clerk of the House of Representatives, twenty days extra service, and twenty-five days as assistant Clerk, one hundred and thirty-five dollars. J. Grimshaw.

To W. Thompson, Reporter, twenty-six days in the House of Representatives, seventy-eight dollars. W. Thompson.

To the Rev. D. Pettegrew, for services as Chaplain of the House of Representatives, thirty-eight days, one hundred and fourteen dollars. D. Pettegrew

To J. Cragun, for services as Sergeant-at-arms, for the House of Representatives, forty days, one hundred and twenty dollars. J. Cragun.

To A. L. Fullmer, for services as Door-keeper of the House of Representatives, thirty-three days, ninety-nine dollars. A. L. Fullmer

To A. L. Fullmer, for services as assistant Door-keeper of the House of Representatives, seven days, twenty-one dollars. A. L. Fullmer

To H. E. Phelps, for services as fireman, seven days, and assistant Door-keeper, thirty-three days, for the House of Representatives, one hundred and twenty dollars. H. E. Phelps

To R. Badger, for services as Messenger for the House of Representatives, forty days, one hundred and twenty dollars. R. Badger.

To H. P. Richards, for services as assistant Messenger for the House of Representatives, forty days, one hundred and twenty dollars. H. P. Richards

To Homer Duncan, for services as Fireman for the House of Representatives, thirty-one days, ninety-three dollars. H. Duncan.

To J. Haven, for services as assistant Clerk for the House of Representatives, nine days, twenty-seven dollars. J. Haven.

To the Rev. D. Carn, for services as Chaplain, for the House of Representatives, two days, six dollars. D. Carn.

To John Oakley, for services as assistant Clerk of the

- House of Representatives, seven days, twenty-one dollars.**
- J. L. Smith.** To J. L. Smith, for services as Door-keeper, for the House of Representatives, seven days, twenty-one dollars.
- Speaker.** To the Speaker of the House of Representatives, forty days, one hundred and twenty dollars.
- H. Corey.** To H. Corey, for services as Clerk of the Council, nine days, forty-five dollars.
- J. Ferguson.** To J. Ferguson, for services as Secretary of the Council, thirty days, one hundred and fifty dollars.
- do** To J. Ferguson, for extra services in preparing Bills, &c., twenty days, one hundred dollars.
- J. Cain.** To J. Cain, for services as assistant Clerk of the Council, forty days, one hundred and twenty dollars.
- R. Campbell.** To R. Campbell, for services as engrossing Clerk for the Council, thirty days, ninety dollars.
- do** To R. Campbell, for extra services in copying Bills, &c., twenty days, sixty dollars.
- G. D. Watt.** To G. D. Watt, for services as Reporter for the Council, thirty days, ninety dollars.
- John Smith.** To the Rev. John Smith, for services as Chaplain for the Council, forty days, one hundred and twenty dollars.
- W. H. Kimball.** To W. H. Kimball, for services as Sergeant-at-arms for the Council, forty days, one hundred and twenty dollars.
- G. D. Grant.** To G. D. Grant, for services as Door-keeper of the Council, forty days, one hundred and twenty dollars.
- W. C. Staines.** To W. C. Staines, for services as Messenger of the Council, forty days, one hundred and twenty dollars.
- J. Shipley.** To J. Shipley, for services as Fireman for the Council, forty days, one hundred and twenty dollars.
- President of Council.** To the President of the Council, forty days, one hundred and twenty dollars.
- Public Works.** To the Public Works, for fitting up rooms for the Library, as per bill No. 13, two hundred dollars.
- G. D. Watt.** To G. D. Watt, for extra services in writing out reports, twenty days, sixty dollars.
- J. Haven.** To Jesse Haven, for services for extra clerking for committee, three days, nine dollars.
- T. S. Williams.** To Thomas S. Williams, for articles furnished the Furnishing committee, as per bill, twenty-two dollars.
- E. D. Woolley.** To E. D. Woolley, for candles, stationery, &c., as per bill rendered, fifty-four dollars.
- E. Hunter.** To E. Hunter, assistant Trustee in Trust, &c., for rent of Council House for the Legislative Assembly, wood, &c.,

as per bill rendered, seventeen hundred and twenty dollars and twenty-five cents.

To B. H. Young, for printing Governor's commissions, B.H. Young. proclamations, &c., as per bill rendered, forty-eight dollars.

To W. Richards, for printing blanks (election notices,) W. Richards. advertising proclamations, &c., as per bill rendered, seventy dollars and fifty cents.

SEC. 2. *Be it further enacted,* That there be paid out of the sum appropriated by Congress for defraying the expenses of the Legislative Assembly of the Territory, for the year ending June 30th, 1851, the following, viz :

To T. Bullock, as agent for taking the enumeration, of T. Bullock. the Territory of Utah, previous to the first election for the Legislative Assembly of the Territory on the first Monday of August last, two thousand dollars.

To J. L. Heywood, for expenses and services in putting J. L. Heywood. up election notices, and circulating the Governor's proclamation, three hundred dollars.

To Edward Hunter, assistant Trustee in Trust, &c., for E. Hunter. rent of Council House, wood, candles, paper, ink, quills, &c., as per bill rendered, four hundred and twelve dollars and twenty-five cents.

For compensation and mileage for the members of the Compensation, General Assembly of the State of Deseret, and for officers' mileage, &c., of the two Houses, incidental expenses, &c., as per bill Legislature of Deseret for '51. rendered, for the year ending June 30th, 1851, four thousand three hundred and fifty-nine dollars and forty cents.

To Willard Richards, for services as Secretary of the W. Richards. State for 1850-51, as per bill rendered, one thousand dollars.

To William Clayton, for services as Auditor of accounts W. Clayton. for 1850 and 51, as per bill rendered, eight hundred dollars.

Printing ordinances, laws, and proclamations of the For Printing. Governor of Deseret for 1850 and 51, as per bill rendered, three hundred and twenty-three dollars and seventy cents.

To Brigham Young, for services as Governor of the Gov. Young. State of Deseret, for the year ending June 1851, and also superintendent of Indian affairs, as per bill rendered, two thousand five hundred dollars.

To Hosea Stout, for services and fees as Attorney Gen- H. Stout.

eral of the State of Deseret for the years 1850 and 51, as per bill rendered, five hundred dollars.

D.H.Wells. To Daniel H. Wells, for services as Chief Justice, from March 1st, 1850, to June 1st, 1851, as per bill rendered, two thousand and fifty dollars.

D.Spencer. To Daniel Spencer, as first associate Justice, for services from March 1, 1850, to June 1, 1851, as per bill rendered, two thousand and fifty dollars.

O.Spencer. To Orson Spencer, for services as second associate Justice, from March 1st, 1850, to June 1st, 1851, as per bill rendered, two thousand and fifty dollars.

Judges, &c., of elections. To sundry Judges, Clerks, and Sheriffs, for services rendered at elections in the year 1850, and making out and transmitting the same to seat of Government, as per bill rendered, seven hundred and seventy-three dollars and eighty cents.

Compensation, &c., of the Legislature of 1850. For compensation and mileage for the members of the General Assembly of the State of Deseret, and for officers of the two Houses, incidental expenses, &c., as per bill rendered, for the year ending June 31st, 1850, five thousand three hundred and sixty five dollars.

J.Ferguson. To James Ferguson, for services as Adjutant General of the Militia during the years 1850 and 51, as per bill, five hundred dollars.

Approved, March 6. 1852.

AN ACT REGULATING ELECTIONS.

General elections. SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That there shall be a general election held on the first Monday of August in each year, for the election of all officers not otherwise provided for by law.

County court shall appoint a place for election. SEC. 2. Every precinct shall compose an electoral district, and the county Courts of each county shall name a house or place in each precinct, where the election shall be held, and appoint three judges of said election.

Electors to appoint Judges. SEC. 3. The electors of every precinct have the right to appoint judges, and regulate their own election, if not otherwise provided for.

SEC. 4. It shall be the duty of the clerks of county courts ^{Clerk of county court to furnish} respectively, one month before each general election, or ^{poll books.} six days before each special election, to make out and deliver to the Sheriff of their respective counties, one blank poll book, at the expense of the county, for each precinct in his county, properly ruled and laid off into columns, with the necessary certificates attached, which books the Sheriff shall faithfully deliver, or cause to be ^{Sheriff deliver} delivered to the judges of the election, in their respective ^{poll books.} precincts.

SEC. 5. The judges before they enter upon their duties, shall take an oath or affirmation, that they will faithfully, impartially, and justly discharge the duties of Judge of the present election, according to the best of their abilities; which oath or affirmation shall be administered by a Justice of the Peace, if present; if not, they are authorized to qualify each other. ^{Oath of judges}

SEC. 6. The Judges shall appoint a clerk or clerks, who ^{Judges shall ap-} before entering upon the duties of his appointment, shall ^{point their own} take an oath or affirmation, which may be administered by ^{clerk, who} either of the Judges of election, that he will faithfully ^{shall qualify.} discharge the duties of his appointment to the best of his abilities; record the names of all the voters, and distinctly ^{Duty of clerk.} carry out in lines or columns the number of each voter.

SEC. 7. The time for opening the polls, shall be at the ^{Time of open-} hour of eight o'clock in the morning, and closed at six ^{ing and closing} o'clock in the evening, and one of the Judges shall cry in ^{polls.} an audible voice the name of each voter as given in.

SEC. 8. The votes given at all elections shall be in the ^{Votes to be giv-} following manner, to wit: each elector shall in an audible ^{en viva voce.} voice, declare the name of the candidate or candidates, and the office or offices, that he would have him or them fill.

SEC. 9. When any person offers to vote in a precinct ^{How a person} of which he is not a resident, for Territorial or county of- ^{may vote in a-} ficers, if he possesses the necessary qualifications of a ^{nother precinct} voter, he may vote on taking an oath or affirmation that he has not voted, and will not vote in any other precinct during the pending election.

Judges may
fine for disorder.

SEC. 10. The Judges of election shall preserve good order, and may punish any disorderly person for contempt, by fine, not exceeding one hundred dollars, at their discretion.

Judges decide
legality of votes

SEC. 11. The Judges shall decide on the legality of all votes offered, to be given when challenged.

How the polls
are closed.

SEC. 12. At the close of the polls the clerk shall carefully count up the number of votes given for each candidate, and compare them with the number of votes given, and when found correct, the Judges shall proclaim in a public manner the number of votes polled, and the number given for each candidate.

Judges shall
certify to the
number of votes
given.

SEC. 13. At the close of each election the Judges shall certify under their own hands, the number of votes given for each candidate, which shall be attested by the clerk, who shall transmit the same, together with the poll book, to the clerk of the county Court, in which the election was held, within five days thereafter, and the Judges shall retain a true copy thereof, free to the inspection of all voters.

Clerk shall
transmit a copy
of poll books.

Clerk of court
before 2 justices
or select men
cast up votes.

SEC. 14. The clerk of the county court shall, within ten days after the close of each election respectively, take to his assistance two Justices of the Peace of his county, or two Select men; and in a public manner examine and cast up the votes given to each candidate, and give to those having the highest number of votes, each a certificate of his election. In all cases where there is a tie between any candidate for county officer, the Justice or Select men as the case may be, shall cast lots in the presence of the clerk and decide which of the candidates shall be declared elected.

Give to each a
certificate of
election.

in case of a tie.

Clerk to send
abstract of
votes to Secre-
tary of territory

SEC. 15. The clerks of the several counties to whom a transcript of the votes in any election is directed, shall, within three days after the time limited for the examination of the polls, cause to be conveyed to the seat of government, addressed to the Secretary of the Territory, a fair abstract of all the legal votes polled in their respective counties, for Territorial officers at such elections.

Secretary cast
up votes for ter-
ritorial officers.

SEC. 16. Within twenty days after each general election, or sooner if the returns have all been duly made,

the Secretary of the Territory shall, in the presence of the Governor, cast up the votes given in the several counties in this Territory for Territorial officers, and shall give to those having the highest number of votes, certificates of their election, under his own hand, with the seal of the Territory affixed thereto.

SEC. 17. Should any two or more candidates have an equal number of votes, the Secretary of the Territory, with the assistance of the clerk of the Supreme Court, and if he be absent, any person whom the Governor may appoint, shall cast lots in the presence of the Governor, to decide which of the candidates shall fill the office. In case of a tie secretary shall cast lots.

SEC. 18. When the election of any county or precinct officer is contested by two or more candidates, it shall be the duty of the Select men to decide between them; and give him, in whose favor they decide, a certificate of his election. Contested elections decided by Select men.

SEC. 19. When a vacancy in any county office shall occur, and a special election shall become necessary, the Judge of Probate shall issue a writ of election, to be directed to the Sheriff, and the Sheriff shall, ten days previous to the election, put up advertisements at three of the most public places in each precinct in his county, stating the time and place of holding such election, unless otherwise directed in the writ of election. Special elections. Sheriff shall post up notices

SEC. 20. If any Judge or clerk of any election, or any officer acting in any wise pertaining thereto, after they have undertaken to perform the duties pointed out in this law, fail so to do, (unless prevented by sickness, inability, or unavoidable circumstances,) he shall be subject to a fine not exceeding five hundred dollars, at the discretion of the Court having jurisdiction. Judge or other officer of election refusing to serve. Penalty.

SEC. 21. All Territorial, county, or precinct offices that have been or may be hereafter created, until the general election law of the Territory takes effect and not otherwise provided for by law, shall be filled by executive appointment. Governor to fill vacancies.

SEC. 22. All free white male citizens of the Territory of Utah of the age of twenty-one years shall be considered legal voters: *Provided*, That nothing in this act shall Who are lawful voters. Provide.

be so construed as to admit of any military officers or soldiers in the United States service, stationed within the limits of this Territory, to vote for Territorial, county, or precinct officers.

Sec. 23. *Be it also enacted,* That the clerk of each county Court, shall, thirty days before each general election, furnish the Sheriff of his county with three notices of election for every precinct in the county, stating the time when, and the place of holding such election; also specifying the several offices to be filled, and the Sheriff shall post up said notice in the most public places in each precinct, within three days after receiving such notices, or publish such notices in any one or more newspapers in the Territory: *Provided,* That such newspaper or papers have a general circulation throughout the several counties in the Territory.

Approved Feb. 5th, 1852.

FEE BILL FOR ELECTIONS.

Sec. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the following fees shall be allowed for services rendered at elections:

Judges & clerks fees.	Judges and clerks of elections, three dollars per day;
Magistrates fees.	Magistrates or other officers, for qualifying Judges and clerks of elections, twenty-five cents each; clerks of county
Clerk of county court's fees.	Courts for making out a copy of returns to the Secretary of the Territory, and all necessary writing, three dollars per day, and for stationery for returns, and each poll
Guard's fees.	book, one dollar each; necessary guards through the Indian country for the safety of the abstract of the return to the Post-office, or Secretary's office, fifteen cents per mile each.

Sec. 2. That the same fee be allowed the several officers that rendered services at the elections held in the several precincts on the fourth of August, A. D. one thousand eight hundred and fifty one, for the election of a delegate to Congress, and Councillors and Representatives for the Legislative Assembly of Utah Territory.

SEC. 3. That the clerk of each precinct shall make out a certified account of all the expenses arising in their respective precincts of each election, and forward the same to the county clerk of their respective counties, within thirty days after each election. ^{Duty of clerk of elections.}

SEC. 4. That it shall be the duty of each clerk of the county Court, to make out an abstract of the accounts for said precincts in his county; also all other expenses occurring from elections in his county, and report the same to the Legislative Assembly, on or before the first day of each annual session. ^{Duty of clerk of county court.}

Approved October 4, 1841.

AN ACT APPORTIONING THE REPRESENTATION OF UTAH TERRITORY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That there shall be elected at the general election for eighteen hundred and fifty two, the following officers to wit:

For Representatives for Weber county, three; for Davis county, two; for Salt Lake county, twelve; for Utah county, three; for Tooele county, one; for Juab county, one; for San Pete county, one; for Millard county, one; and for Iron county, two. ^{Number of representatives.}

SEC. 2. *Be it further enacted,* That at the general election for eighteen hundred and fifty-three, there shall be elected in each county in this Territory, the following number of Councillors: For Weber county, two; for Davis county, one; for Salt Lake and Tooele counties, five; for Utah and Juab counties, two; for San Pete county, one; for Millard county, one; and for Iron county, one. ^{Number of Councillors.}

Approved Feb. 14, 1852.

AN ACT CREATING A TERRITORIAL AND COUNTY REVENUE.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That there shall be elected by the qualified electors at the time and places of general election in each county, an assessor, who shall also be the collector, and shall be a qualified elector, whose term of office shall be two years; who shall be sworn or affirmed to the faithful performance of his duty, and give bond and security to the people of the Territory, approved by the county Court, and filed in their clerk's office within ten days after receiving a certificate of his election, and to hold his office until his successor is qualified; and should a vacancy occur by death or otherwise, it shall be the duty of the county Court to appoint a suitable person to fill such vacancy, who shall be qualified as aforesaid, and shall hold his office until his successor is elected and qualified.

Assessor and collector, when elected.

Term of office.

Give bonds.

In case of vacancy.

SEC. 2. It shall be the duty of the assessor and collector to assess annually, and collect a Territorial tax of one per cent upon all personal property, money loaned or on hand, improvements on real estate, merchandize, stock in trade, and stock actually paid in any incorporate company; all improvements made under the provisions of any act of this Territory, granting a private charter to any person or persons for any purpose whatever: *Provided,* That the arms of military companies that are kept constantly on hand for the public defence; public property belonging to any religious society for public purposes; the property of the University and public school houses, and burial grounds, shall be exempt from all assessments.

Duty of assessor and collector, what is taxable property.

Proviso.

SEC. 3. The assessor and collector in each county are hereby authorized and required to assess all property in their respective counties, at its cash value, and collect the amount of taxes arising thereon in cash, except so far as otherwise provided by law, and pay over or remit all amounts so collected into the Territorial Treasury on or before the first monday in November in each year.

Assess at cash value.

Proviso.

SEC. 4. It shall be the duty of each assessor and collector to keep a fair and faithful record of the names of owners of property, the amount assessed, and tax arising there-

Further duties of assessor and collector.

on, and collected and paid over, and also the assessed not collected, and the reason why, if by removal or otherwise, and return the same with a full statement of all his proceedings, on or before the first Monday in November in each year to the Auditor of Public Accounts, whose duty it shall be to audit the same, and report thereon to the Legislative Assembly if then in session, or upon the first ensuing session.

SEC. 5. If any person or persons shall refuse or neglect to pay the amount of tax arising as herein contemplated, it shall be the duty of the collector to enforce the payment thereof, by executing property belonging to said person or persons, and selling the same at public auction to the highest bidder after ten days public notice of said sale: *Provided*, he shall in no case distress the widow and fatherless, or oppress the honest poor.

SEC. 6. If any person or persons shall fail to give a true report to the assessor and collector, of all taxable property owned by said person or persons according to the provisions of this act, or wilfully conceal from the assessor and collector any taxable property owned by him, her or them, or otherwise try to defraud the public treasury, shall, on conviction thereof, be liable to a fine not exceeding five hundred dollars, or the amount of money or property so concealed at the discretion of the Court having jurisdiction.

SEC. 7. The county Courts in their respective counties shall assess a county tax not to exceed one per cent for county purposes, and a road tax to be applied on public roads, not to exceed one half of one per cent upon all taxable property in each county, which shall be collected by the assessor and collector under the direction of the county Court, and paid into the county treasury, and make a full and concise report of the same to the clerk of the county Court at their discretion.

SEC. 8. The assessors and collectors shall be allowed reasonable compensation for assessing and collecting all taxes according to the discretion of the county Court in equal proportions for Territorial and county taxes, who shall receive his pay from the Territorial treasurer, for the collection of the Territorial tax, and from the county treasurer for the collecting of the county tax.

SEC. 9. All laws and parts of laws heretofore enacted, inconsistent with this act be, and the same are hereby repealed.

SEC. 10. The county Court, in each county is hereby authorized to regulate all bounties on wolf and fox pates.
Approved Feb, 4, 1852.

AN ACT IN RELATION TO ROAD TAX AND SUPERVISORS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That every able bodied male person over the age of eighteen years, having a residence of three months in this Territory, shall pay a poll tax of one day's labor yearly upon the roads or highways.

Who shall pay poll tax.

SEC. 2. The poll tax and all assessment of tax for road purposes may be paid in labor upon the roads and highways, at the rate of ten hours good and faithful labor for the amount assessed, at the rate of one dollar and fifty cents per day. And all labor taxes may be commuted by paying into the hands of the supervisor of the precinct or road district in which each person may reside, at the rate of one dollar and fifty cents per day.

Poll and other road taxes may be paid in labor.

SEC. 3. Every person liable to the aforesaid tax, who shall refuse or neglect to perform the labor required, or pay in lieu thereof, the sum herein specified when required by the supervisor of the district or the county Court of their county, after they have received reasonable notice of the time and place when said labor may be performed, or money paid, shall forfeit and pay for each offence, twice the amount of the Tax required, which amount may be recovered before any Justice of the Peace having jurisdiction. Supervisors in their respective districts have power to require team work upon the road as shall be necessary to apply the labor to advantage, from those having teams, allowing for the use of teams in the same ratio, as for labor.

Persons neglecting or refusing to pay.

Penalty.

Supervisors may require team work.

SEC. 4. It shall be the duty of the supervisor of road districts to prosecute all delinquents in their respective

Supervisors shall prosecute delinquents.

districts, and all delinquents so prosecuted shall be liable to pay twice the amount lost by or through his or their neglect. And it is hereby made the duty of the county Court to settle with each supervisor on or before the first day of January in each year, and prosecute all delinquent supervisors, who refuse, or neglect to comply with the requirements of this act.

County court shall prosecute delinquent supervisors.

SEC. 5. The supervisors shall receive the sum of one dollar and fifty cents per day, after having defrayed their own tax, for each days service actually employed on the road and highways in their respective districts, either in notifying the inhabitants to labor, collecting the tax or disbursing the same.

Supervisors to receive pay

Approved March 6, 1852.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A TERRITORIAL TREASURER; AND AU- DITOR OF PUBLIC ACCOUNTS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That a Treasurer and Auditor of public accounts, shall be elected, by the joint vote of both houses of the Legislative Assembly; whose term of office, shall be four years; and until their successors are elected and qualified.

Treasurer and Auditor, how elected. Term of office

SEC. 2. The Treasurer, previous to entering upon the duties of his office, shall give bonds to the people of the Territory of Utah, in the penal sum of twenty thousand dollars; which sum shall be increased at the discretion of the Legislative Assembly, or during its recess, by the Governor, with sufficient securities, to be approved by the Governor; which bonds shall be filed in the office of the Secretary of the Territory of Utah; and shall also take an oath or affirmation, to support the Constitution of the United States, and faithfully discharge the duties of his office.

Treasurer to give bonds Bonds, when filed.

SEC. 3. The Treasurer shall receive all moneys or other

Duty of Treasurer. property belonging to the Territory, that may be raised by taxation, or otherwise; and shall procure suitable books in which he shall enter an account of his receipts, and disbursements; to whom made, and on what account.

Shall report to Gov. SEC. 4. The Treasurer shall pay all moneys that may come into his hands, by virtue of his office, upon drafts or orders countersigned by the Auditor of public accounts; and shall annually report to the Governor, on or before the first day of November, or oftener, if required by the Governor, a true account of his receipts and disbursements, with the necessary vouchers for the same; and shall deliver to his successor in office, all books, moneys, accounts, or other property belonging to the Territory, so soon as his successor shall become qualified.

Auditor shall give bonds. SEC. 5. The Auditor of public accounts, previous to entering upon the duties of his office, shall give bonds to the people of the Territory of Utah, in the penal sum of five thousand dollars, which sum may be increased at the discretion of the Legislature, or during its recess, by the Governor, with sufficient securities to be approved by the Governor; and shall also take an oath or affirmation, to support the Constitution of the United States, and faithfully discharge the duties of his office.

Duty of Auditor. SEC. 6. The Auditor of public accounts shall examine and audit all public accounts connected with the pecuniary affairs of the Territory, and shall report the same to the Governor, on or before the first day of November in each year, and oftener if required by the Governor, and shall deliver to his successor in office, all books, moneys, accounts, or other property, belonging to the Territory, so soon as his successor, shall become qualified.

Officers shall make report to Auditor. SEC. 7. It shall be the duty of all officers in the Territory, having the handling of the public funds, in either collecting or disbursing the same, to make a report to the Auditor of public accounts, on or before the first day of October, in each year.

Approved, January 20, 1852.

AN ACT TO CREATE THE OFFICE OF A COUNTY TREASURER IN EACH COUNTY OF THE TERRITORY OF UTAH, AND TO DEFINE THE DUTIES THEREOF.

Sec. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That there shall be, and hereby is created the office of county Treasurer, in each county of the Territory of Utah.

Sec. 2 The Treasurer shall be elected by the qualified electors of their respective counties, at the time of the general election of the Territory; whose term of office shall be four years, and until his successor shall be elected and qualified; and said Treasurer, before entering upon the duties of his office, shall take an oath or affirmation, before the Clerk of the county court, to support the Constitution of the United States. and the laws of this Territory; and faithfully discharge the duties of his office, and shall give bonds to the people of their respective counties: the amount of bonds to be prescribed by the county court, with security, to be approved by said court, for the faithful discharge of the duties of his office, which bonds shall be filed in the office of the Clerk of the county court.

Sec. 3. The county Treasurer, shall keep an accurate account of all moneys, or other property received, or disbursed, and shall pay over all demands, that shall be legally presented, and shall render a true account, with necessary vouchers for the same, semi-annually to the county court, or whenever it shall be called for by said court, and his office shall be kept at the county seat.

Sec. 4. The county Courts are hereby authorized to appoint a county Treasurer in their respective counties, who shall be qualified as provided by this act, to serve until the first general election, and until his successor shall be elected and qualified: said Courts are also hereby authorized to fill any vacancy that may hereafter occur in the office of county Treasurer according to the provisions of this act, whose term of office shall be till the next succeeding general election of the Territory.

Approved, February 3, 1852.

AN ACT TO CONTINUE IN OFFICE CERTAIN OFFICERS THEREIN NAMED.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That all Territorial, District, County, and Township officers, who have been appointed and commissioned by the Governor pursuant to the provisions of the Organic Law, whose commissions expire at the end of the first session of the Legislative Assembly, be, and the same are hereby continued in full force and effect until their places are filled by appointment or election, as the case may be according to law.

Approved, February 17, 1852.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THREE SELECT MEN, AND AN ASSESSOR AND COLLECTOR IN THE SEVERAL COUNTIES IN THIS TERRITORY FOR THE CURRENT YEAR.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That it shall be the duty of the Judges of Probate to appoint, in their respective counties, three men, who shall act as Select men, until their places shall be filled by election: such men thus appointed, shall take the oath of office, as provided for by law.

Judge of Probate to appoint
3 select men.

SEC. 2. It shall be the duty of the Judges of Probate, to appoint an Assessor and Collector in their respective counties for the current year, who shall proceed forthwith to assess and collect the Territorial and County taxes in their respective counties, and pay the same over to the persons entitled to receive the same according to law.

Also an Assessor and Collector.

SEC. 3. It shall be the duty of each Assessor and Collector, before entering upon the duties of his office, to take an oath or affirmation for the faithful performance of his duties, and give bond with approved security, to the people of his county, in a sum to be approved of by the Judge

Shall give bonds.

of Probate. to be filed in the Clerk's office in their respective counties.

Approved March 3d, 1852.

AN ACT IN RELATION TO CRIMES AND PUNISHMENTS.

TITLE I.

OFFENCES AGAINST THE TERRITORY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That whoever is guilty of treason, punishment of. treason, by levying war against the Territory, or by adhering to its enemies, giving them aid and comfort, shall be punished with death.

SEC. 2. If any person have knowledge of the commission of the crime of treason against the Territory, and conceal the same, and not as soon as may be, disclose such offence to the Governor, or some Judge of the Territory, he is guilty of mis-prision of treason; and shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding ten years, nor less than one year. Misprision of treason. Punishment of.

SEC. 3. No person can be convicted of the crime of treason, unless on the evidence of two witnesses to the same overt act, or on open confession in open court. Two witnesses to convict of treason.

TITLE II.

OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

SEC. 4. Whoever kills any human being, with malice aforethought, either expressed or implied, is guilty of murder. Murder.

SEC. 5. All murder which is perpetrated by means of Wilful murder defined.

poison, or lying in wait, or any other kind of wilful, deliberate, and premeditated killing; or which is committed in the perpetration, or attempt to perpetrate any arson, rape, robbery, mayhem, or burglary, is murder of the first degree; and shall be punished with death.

Punishment.

Manslaughter. SEC. 6. Whoever commits murder otherwise than is set forth in the preceding section, is guilty of murder of the second degree; and shall be punished by imprisonment for life, or for a term not less than ten years.

Punishment.

Jury find the degree of murder.

If prisoner confess determine the degree of.

SEC. 7. Upon the trial of an indictment for murder, the jury if they find the defendant guilty, must inquire, and in their verdict, declare whether he be guilty of murder in the first or second degree. But if such defendant be convicted upon his own confession in open court, the court must proceed, by the examination of witnesses, to determine the degree of murder, and award sentence accordingly.

Duel, when murder.

SEC. 8. Whoever fights a duel with deadly weapons, and inflicts a mortal wound on his antagonist, wherefrom death ensues, is guilty of murder of the first degree, and shall be punished accordingly.

Duel when not murder.

Or aides at.

Punishment.

SEC. 9. Any person who fights a duel with deadly weapons, or is present at the fighting of such duel, as aid, second, or surgeon; or advises, encourages, or promotes such duel, although death do not ensue; and any person who challenges another to fight a duel, or sends or delivers any verbal or written message, purporting, or intended to be such challenge, although no duel ensue; and any person who accepts such challenge, or who consents to act as a second, aid, or surgeon, on such acceptance, or who advises, encourages, or promotes the same, although no duel ensue; shall be fined in a sum not exceeding one thousand dollars, nor less than four hundred dollars; and imprisoned not more than three years, nor less than one year.

Any person vex, &c., for not fight duel.

Punishment.

SEC. 10. If any person vex another, or in writing or print use any reproachful or contemptuous language to, or concerning another, for not fighting a duel, or for not sending or accepting a challenge, he shall be fined not exceeding three hundred dollars, nor less than one hundred

dollars, and imprisoned not more than six months, nor less than two months.

SEC. 11. Any person guilty of man-slaughter, shall be punished by imprisonment, not more than ten years, nor less than one year; and by fine not more than one thousand dollars, nor less than one hundred dollars. Punishment of man-slaughter.

SEC. 12. If any person, with intent to maim, or disfigure, cut or maim the tongue; put out or destroy an eye; cut, slit, or tear off an ear; cut, slit, or mutilate the nose, or lip; or cut off, or disable a limb, or any member of another person; he shall be punished by imprisonment not more than five years, and by fine not exceeding one thousand dollars, nor less than one hundred dollars. Mayhem. Punishment.

SEC. 13. If any person, with force or violence, or by putting in fear, steal, and take from the person of another, any property, that is the subject of larceny, he is guilty of robbery, and shall be punished according to the aggravation of the offence, as is provided in the following two sections. Robbery. How punished.

SEC. 14. If such offender, at the time of such robbery is armed with a dangerous weapon, with intent, if resisted, to kill or maim the person robbed; or if being so armed, he wound or strike the person robbed; or if he have any confederates aiding and abetting him in such robbery present, and so armed; he shall be punished by imprisonment for a term of not exceeding twenty-five years, and not less than ten years. If armed and wound or have aiders. How punished

SEC. 15. If such offender commit such robbery, otherwise than is mentioned in the preceding section, he shall be punished by imprisonment not exceeding ten years, nor less than two years. If committed otherwise, how punished.

SEC. 16. If any person ravish and carnally know any female of the age of ten years, or more, by force and against her will; or carnally know and abuse any female child, under the age of ten years, he shall be punished by imprisonment for life, or not less than ten years. Rape. How punished

SEC. 17. If any person take any woman unlawfully and against her will, and by force, menace, or duress, compel her to marry him, or any other person; or to be defiled. Any person compel a woman to marry

How punished ed; he shall be fined not exceeding one thousand dollars, and imprisoned not exceeding ten years.

Rape by duress or otherwise. **Punishment.** **SEC. 18.** If any person unlawfully have carnal knowledge of any female, by administering to her any substance, or by any other means, producing such stupor, or such imbecility of mind or weakness of body, as to prevent effectual resistance, he shall upon conviction, be punished as provided in the sixteenth section of this act relating to ravishment.

Abduction of female minors. **How punished.** **SEC. 19.** If any person take or entice away any unmarried female from her father, mother, guardian, or other person having the legal charge of her person, for the purpose of prostitution, he shall upon conviction, be punished by imprisonment not more than ten years, nor less than one year; or by fine not exceeding one thousand dollars, and not less than one hundred dollars.

Child stealing. **How punished.** **SEC. 20.** If any person maliciously, forcibly, or fraudulently lead, take, decoy, or entice away any person with intent to detain, or conceal such person from its parent, guardian, or other person having the lawful charge of such person, he shall be punished by imprisonment not more than ten years, or by fine not exceeding one thousand dollars; or by both such fine and imprisonment.

Seduction. **How punished.** **Proviseo.** **May be required to give bonds.** **SEC. 21.** If any person seduce and debauch any unmarried woman of previously chaste character, he shall be punished by imprisonment not more than twenty years, nor less than one year; and fined not more than one thousand dollars, nor less than one hundred dollars. If before judgment upon an indictment, the defendant marry the woman thus seduced, it is a bar to any further prosecution for the offence. In case the person so offending shall marry such female as herein provided, he shall be liable, if required to give bonds with approved securities for her maintenance.

False imprisonment. And kidnapping. **SEC. 22.** If any person wilfully and without lawful authority, forcibly, or secretly confine or imprison any other person within this Territory, against his will; or forcibly carry or send such person out of the Territory; or forcibly seize and confine, or inveigle, or kidnap any other person with the intent either to cause such person to be secretly confined, or imprisoned in this Ter-

ritory against his will, or cause such persons to be sent out of the Territory against his will, he shall be punished by imprisonment not more than ten years, or by fine not exceeding one thousand dollars; or by both fine and imprisonment, at the discretion of the court.

SEC. 23. If the father or mother of any child under the age of six years, or any person to whom such child has been entrusted or confided, expose such child in any high way, street, field, house, or out-house, or in any other place with intent wholly to abandon it, he or she, upon conviction thereof, shall be punished by imprisonment not exceeding five years; or fined not exceeding five hundred dollars.

SEC. 24. If any person either verbally, or by any written or printed communication, maliciously threaten to accuse another of crime or offence; or to do any injury to the person or property of another with intent thereby to extort any money, or pecuniary advantage whatever; or to compel the person so threatened to do any act against his will, he shall be punished by imprisonment not more than two years; or by fine not exceeding five hundred dollars.

SEC. 25. If any person assault another with intent to commit murder, he shall be punished by imprisonment not exceeding twenty years, nor less than one year; and fined at the discretion of the court.

SEC. 26. If any person assault a female with intent to commit a rape, he shall be punished by imprisonment not exceeding twenty years, and fined at the discretion of the court.

SEC. 27. If any person assault another with intent to maim, rob, steal, or commit arson, or burglary, he shall be punished by imprisonment not exceeding eight years; or by fine not exceeding one thousand dollars; or by both fine and imprisonment, at the discretion of the court.

SEC. 28. If any person assault another with intent to inflict a bodily injury, he shall be punished by imprisonment, not exceeding one year, or fined not exceeding five hundred dollars.

SEC. 29. If any person assault another with intent to commit any felony, or crime punishable by imprisonment,

How punished where the punishment is not otherwise prescribed, he shall be punished by imprisonment not more than five years; or by fine not exceeding five hundred dollars, or both at the discretion of the court.

Any person **Sec. 30.** If any person mingle any poison with any
poison food, &c. food, drink, or medicine, with intent to kill or injure any human being; or wilfully poison any spring, well, cistern, or reservoir of water, he shall be punished by imprisonment not exceeding twenty-five years; or by fine not exceeding five thousand dollars, or both at the discretion of the court.

Any other as- **Sec. 31.** Whoever is convicted of an assault, or an as-
sault and bat- **tery.** **tery.** assault and battery, where no other punishment is prescribed, shall be punished by imprisonment not exceeding six months; or by fine not exceeding two hundred dollars, or both at the discretion of the court.

TITLE III.

OFFENCES AGAINST CHASTITY, MORALITY, AND DECENCY.

Adultery. **Sec. 32.** Every person who commits the crime of adultery, shall be punished by imprisonment not exceeding twenty years, and not less than three years; or by fine not exceeding one thousand dollars, and not less than three hundred dollars; or by both fine and imprisonment at the discretion of the Court. And when the crime is committed between parties, any one of whom is married, both are guilty of adultery, and shall be punished accordingly. No prosecution for adultery can be commenced but on the complaint of the husband or wife.

Lewdness. **Sec. 33.** If any man or woman not being married to each other, lewdly and lasciviously associate, and cohabit together; or if any man or woman married or unmarried, is guilty of open and gross lewdness, and designedly make any open and indecent, or obscene exposure of his or her person, or of the person of another, every such person so offending shall be punished by imprisonment not exceeding ten years, and not less than six months, and fine not more than one thousand dollars, and not less than one hundred dollars, or both, at the discretion of the Court.

Sec. 34. If any person keep a house of ill fame, re-

sorted to for the purpose of prostitution, or lewdness, ^{House of ill fame.} he shall be punished by imprisonment not exceeding ten years, and not less than one year, or by fine not exceeding ^{Punishment.} five hundred dollars, or both fine and imprisonment. And any person who after being once convicted of such offence is again convicted of the like offence, shall be punished ^{punishment for second offence} not more than double the above specified penalties.

SEC. 35. If any person inveigle, or entice any female, ^{Entice a female before reputed virtuous, to a house of ill fame; or know- to house of ill fame.} ingly conceal, aid, or abet in concealing such female so deluded or enticed, for the purpose of prostitution or lewdness, he shall be punished by imprisonment not more ^{Penalty.} than fifteen years, nor less than five years.

SEC. 36. If any person without lawful authority, wil- ^{Disintering the dead.} fully dig up, disinter, remove, or carry any human body or the remains thereof from its place of interment, or aid or assist in so doing; or wilfully receive, conceal or dispose of any such human body, or the remains thereof; or if any person wilfully and unnecessarily, and in an improper manner, indecently expose those remains, or abandon any human body, or the remains thereof in any ^{Or exposes the remains of} public place, or in any river, stream, pond, or other place, every such offender shall be punished by imprisonment ^{Penalty.} not exceeding one year, or by fine not exceeding one thousand dollars, or by both fine and imprisonment at the discretion of the Court.

SEC. 37. If any person torture, or cruelly beat any ^{Cruelty to animals.} horse, ox, or other beast, whether belonging to himself, or another, he shall be punished by fine not more than one ^{Penalty.} hundred dollars.

SEC. 38. If any person import, print, publish, sell or distribute any book, pamphlet, ballad, or any printed ^{Obscene books} paper containing obscene language, or obscene prints, pictures or descriptions manifestly tending to corrupt the morals of youth, or introduce into any family, school or place of education, or buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, picture, or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school, or place of edu-

Penalty. eation, he shall be punished by fine not exceeding four hundred dollars.

Gaming house. SEC. 39. If any person keep a house, shop, or place resorted to for the purpose of gambling, or permit or suffer any person in any house, shop, or other place, under his control, or care, to play at cards, dice, faro, roulette, or other game for money, or other things, such offender shall be fined not more than eight hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the Court. In a prosecution under this section, any person who has the charge of, or attends to any such house, shop, or place, may be deemed the keeper thereof.

Penalty.

Gaming. SEC. 40. If any person play at any game for any sum of money, or other property of any value, or make any bet or wager for money, or other property of value, he shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding six months.

Penalty.

All notes or obligations for gaming void. SEC. 41. All promises, agreements, notes, bills, bonds, or other contracts, mortgages, or other securities, when the whole, or any part of the consideration thereof is for money, or other valuable thing won or lost, laid stakes, or bet, at or upon any game of any kind, or on any wager, are absolutely void, and of no effect.

TITLE IV.

OFFENCES AGAINST PROPERTY.

Arson and other burning. SEC. 42. If any person wilfully and maliciously burn the inhabited building, boat or vessel of another; or wilfully and maliciously set fire to any other building, boat or vessel owned by himself, or another, by which means such inhabited building, boat or vessel is burnt; if such offence is perpetrated in the night time, or so caused to be burnt in the night time, such offender shall be punished by imprisonment for life, or any term of years; or if the crime shall have been committed in the day time, such offender shall be punished by imprisonment not exceeding thirty years.

Penalty.

Other burning. SEC. 43. If any person wilfully and maliciously so burn any uninhabited dwelling house, boat or vessel, belonging to another; or any Court House, or other public

building; if in the night time, he shall be punished by imprisonment not exceeding twenty-five years; or if in the day time, not more than twenty years.

SEC. 44. If any person wilfully and maliciously burn, ^{Other house burning.} either in the night or day time, any warehouse, store, manufactory, mill, barn, stable, shop, office, out-house, or any building whatsoever of another, other than is mentioned in the preceding sections; or any bridge, lock, dam, or flue, he shall be punished by imprisonment not exceeding ^{Penalty.} fifteen years, and fined not exceeding one thousand dollars.

SEC. 45. If any person set fire to any building, boat or vessel, mentioned in the preceding sections, or to any ^{Attempt to burn.} material, with intent to cause any such building to be burnt, he shall be punished by imprisonment not exceeding ^{Punishment.} ten years, or fined not more than five hundred dollars.

SEC. 46. If any person wilfully and maliciously burn, or otherwise destroy or injure any pile or parcel of wood, ^{Burning other property.} boards, timber, or other lumber; or any fence, bars or gate; or any stack of grain, hay, or other vegetable product severed from the soil, and not stacked; or any standing trees, grain, grass, or other standing product of the soil of another, he shall be punished by imprisonment, not more than five years, or by fine not more than five ^{Penalty.} hundred dollars; or both fine and imprisonment, at the discretion of the court.

SEC. 47. The preceding sections under this title severally extend to a married woman, who commits either of ^{Extends to married women.} the offences therein described though the property burnt, or set fire to may belong wholly or in part to her husband.

SEC. 48. If any person break and enter any dwelling house in the night time, with intent to commit the crime ^{Burglary with intent to rob.} of murder, rape, robbery, larceny, or any other felony; or after having entered with such intent, break any such dwelling house in the night time, any person being then lawfully therein, such offender shall be punished according to the aggravation of the offence, as provided in the following two sections.

SEC. 49. If such offender, at the time of committing ^{If armed shall assault or has aids.} such burglary, is armed with a dangerous weapon, or so

Penalty. arm himself after having entered such dwelling house, or actually assault any person being lawfully therein; or have any confederates present aiding and abetting in such burglary, he shall be punished by imprisonment for life, or any term of years.

If burglary be otherwise committed. SEC. 50. If such offender commit such burglary otherwise than is mentioned in the preceding section, he shall be punished by imprisonment not exceeding twenty-five years.

Breaking open warehouse &c. SEC. 51. If any person with intent to commit a felony in the day time, break and enter, or in the night time enter without breaking, any dwelling house, or at any time break and enter any office, shop, store, warehouse, boat or vessel, or any building in which goods are kept for use, sale or deposit, he shall be punished by imprisonment, not more than ten years, or by fine not more than five hundred dollars, or both fine and imprisonment.

Penalty.

TITLE V.

LARCENY.

Larceny defined. SEC. 52. If any person steal, take, and carry away of the property of another, any money, goods, or chattels, any writ, process, or public record, any bond, bank note, promissory note, bill of exchange, or other bill, order or certificate, or any book of accounts respecting money, goods, or other things, or any deed, or writing containing a conveyance of real estate, or any contract in force, or any receipt, release, or defeazance, or any instrument, or writing whereby any demand, right, or obligation is created, increased, extinguished, or diminished, he is guilty of larceny, and shall be punished, when the value of the property stolen exceeds the sum of twenty dollars, by imprisonment not more than ten years; and when the value of the property stolen does not exceed the sum of twenty dollars, by fine not exceeding two hundred dollars, or imprisonment not exceeding one year.

Penalty.

Larceny in alarm of fire. SEC. 53. If any person commit the crime of larceny by stealing from any building that is on fire, or stealing any property that is removed in consequence of an alarm caused by fire, or by stealing from the person of another, he shall be punished by imprisonment not exceeding fifteen years, nor less than one year.

Penalty.

SEC. 54. If any person falsely personate, or represent another, and in such assumed character receive any money or property intended to be delivered to the party so personated, with intent to convert the same to his own use, he is guilty of larceny, and shall be punished accordingly.

False personation.
shall be larceny.

SEC. 55. If any person come by finding, to the possession of any personal property, of which he knows the owner, and unlawfully appropriate the same, or any part thereof, to his use, he is guilty of larceny, and shall be punished accordingly.

Property found if finder makes use.
Penalty.

SEC. 56. If any officer entrusted with the collection, safe keeping, transfer, or disbursement of the public funds, unlawfully convert them, or any part thereof to his own use, every such act is an embezzlement of so much as is thus taken, converted, used, or unaccounted for, and the person so offending shall be punished by imprisonment not exceeding five years, and fined in a sum equal to the amount embezzled. And moreover, he is for ever after disqualified from holding any office under the laws of this Territory.

Embezzlement of public funds
Penalty.

SEC. 57. If any other person to whom any money, goods, or other property which may be the subject of larceny has been entrusted as clerk, agent, or carrier, embezzle, or fraudulently convert to his own use, any such money, goods, or other property, he is guilty of larceny, and shall be punished accordingly.

Embezzlement of other property.
shall be larceny.

SEC. 58. If any person buy, receive, or aid in concealing any stolen money, goods, or any property, the stealing of which is declared to be larceny, or property obtained by robbery or burglary, knowing the same was so obtained, he shall be punished by imprisonment, not more than five years, or fine not more than five hundred dollars, or both fine and imprisonment, at the discretion of the Court.

Accessory to embezzlement
Penalty.

SEC. 59. If any person having been before convicted of larceny, afterwards commit another larceny, and be thereof convicted; or if any person at the same term of Court is convicted of, as principal or as accessory after the fact in three distinct larcenies, he is deemed a common and notorious thief, and shall be punished by imprisonment.

Second conviction of larceny shall be deemed a common thief.
Penalty.

Shall apply to accessories. onment not less than five years. The provision of this section shall apply to the buyer, receiver, or concealer of money, goods, &c., as mentioned in the preceding section; and if any person is convicted three distinct times, at the same term of the court, or as above mentioned in case of a common and notorious thief, he shall be punished in the same manner.

Third conviction.

Penalty.

SEC. 60. In any prosecution for the offence of buying, receiving, or aiding in the concealment of property so obtained, it shall not be necessary to aver, or to prove on the trial thereof, that the person who stole, robbed, or took the property, has been convicted.

Shall not be necessary to aver a former trial.

SEC. 61. If the property stolen consist of any bank note, bond, bill, covenant, bill of exchange, draft, order or receipt, or any evidence whatever, or any public security, or any instrument whereby any demand, right, or obligation may be assigned, transferred, created, increased, released, extinguished, or diminished, the money due thereon, or secured thereby, and remaining unsatisfied, or which in any event or contingency might be collected thereon, or the value of the property transferred, or effected, as the case may be, shall be adjudged the value of the thing stolen.

Value of the books embezzled ascertained.

TITLE VI.

OF FORGERY AND COUNTERFEITING.

SEC. 62. If any person with intent to defraud, falsely make, alter, forge, or counterfeit any public record, or any process, issued or purporting to be issued by any competent authority, or any pleading or proceeding filed or entered in any court of law or equity; or any attestation, or certificate of any public officer, or other person, in relation to any matter wherein such attestation or certificate is required by law, or may be received, or be taken as legal proof, any charter, deed, will, testament, bond, writing obligatory, power of attorney, letter of credit, policy of insurance, bill of lading, bill of exchange, promissory note, or any order, acquittance, discharge, or accountable receipt for money, or other valuable thing, or any acceptance of any bill of exchange, promissory note or order, or of any debt or contract, or any other instrument in writing, being or purporting to be the act of another

Forgery and counterfeiting defined.

er, by which any pecuniary demand, or obligation, or any right or interest in or to any property whatever is or purports to be created, increased, transferred, conveyed, discharged, or diminished, he shall be punished by imprisonment not more than ten years. Penalty.

SEC. 63. If any person utter and publish as true, any record, process, certificate, deed, will, or any other instrument of writing, mentioned in the preceding section, knowing the same to be false, altered, forged, or counterfeited, with intent to defraud, he shall be punished by imprisonment, not exceeding fifteen years, and fined not more than one thousand dollars. Utter any record. Penalty.

SEC. 64. If any person with intent to defraud, falsely make, utter, forge, or counterfeit any note, certificate, bond, warrant, or other instrument, being public security for money, or other property issued or purporting to be issued by authority of this or any other Territory, or any State of the United States, or any indorsement or other writing, purporting to transfer the right or interest of any holder of such public security, he shall be punished by imprisonment not more than twenty years, nor less than five years. Counterfeit or forge note or public document. Penalty.

SEC. 65. If any person make, alter, forge, or counterfeit any bank bill promissory note, draft, or other evidence of debt issued or purporting to be issued by any corporation or company duly authorized for that purpose by any State or Territory of the United States, or any other government or country, with intent to injure or defraud, he shall be punished by imprisonment not more than ten years, or by fine not more than one thousand dollars. Forge any issue of any corporation state or territory. Penalty.

SEC. 66. If any person has in his possession any forged, counterfeited, or altered bank bill, promissory note, draft, or other evidence of debt issued or purporting to be issued, as is mentioned in the preceding section, with intent to defraud, knowing them to be so forged, counterfeited, or altered, he shall be punished by imprisonment not more than five years, or by fine not exceeding five hundred dollars. Any person having in his possession any of the above. Penalty.

SEC. 67. If any person utter or pass or tender in payment as true, any false, altered, forged or counterfeited note, certificate, bond, warrant, or other instrument of Any person or far to pass any bond.

Penalty.

public security, or any bank bill promissory note, draft, or other evidence of debt, issued or purporting to be issued, by any corporation or company, duly authorized as heretofore mentioned, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud, he shall be punished by imprisonment not more than ten years, or fine not exceeding one thousand dollars.

Engrave for the
purpose of forg-
ing of any kind

SEC. 68. If any person engrave, make or mend, or begin to engrave, make or mend any plate, block, press, or other tool, instrument, or implement, or make or provide any paper or other materials adapted, and designed for the forging, or making any false, and counterfeit note, certificate, bond, warrant, or other instrument of public security for money, or other property of this or any other Territory or State of the United States, or any bank bill, promissory note, draft, or other evidence of debts issued or purporting to be issued by any corporation or company, and every person who has in his possession, any such plate or block engraved in any part or any press or other instrument or implement, paper, or other material adapted and designed as aforesaid, with intent to use the same, or to cause or permit the same to be used in forging, or making any such false and forged certificates, notes, bonds, warrants, public securities, or evidences of debt, shall be punished by imprisonment not more than five years, nor less than one year.

Penalty.

Counterfeit any
gold coin over
20 dollars.

SEC. 69. If any person forge, or counterfeit any gold or silver coin, current by law or usage within this Territory, and if any person have in his possession at the same time to the amount of twenty dollars or more, of false money or coin, counterfeited in the similitude of any gold or silver coin current as aforesaid, knowing the same to be false and counterfeit, and with intent to utter or pass the same as true, he shall be punished by imprisonment not exceeding ten years, nor less than one year.

Penalty.

Have in his
possession less
than 20 dollars

SEC. 70. Any person who has in his possession any amount less than twenty dollars of counterfeit coin or false money, mentioned in the preceding section, knowing the same to be false or counterfeit, with intent to utter or pass the same as true; and any person who utters or tenders in payment any false and counterfeit coin, knowing the same

to be false and counterfeit, shall be punished by imprisonment not more than eight years, or fined not more than one thousand dollars. ^{Penalty.}

SEC. 71. If any person fraudulently connect together ^{Connecting parts of bank bills.} different parts of several given bank bills; notes or other instruments in writing, so as to produce one instrument; or alter any note or instrument in writing in a matter that is material, with intent to defraud, the same shall be declared forgery in like manner as if such bill or note, or other instrument had been forged and counterfeited, and ^{Penalty.} the offender shall be punished accordingly.

SEC. 72. If any fictitious or pretended signature of ^{Fictitious signatures.} an officer or agent of any corporation be fraudulently affixed to any instrument of writing, purporting to be a note, draft, or other evidence of debt issued by such corporation, with intent to utter or pass the same as true, it is forgery, though no such person may ever have been an officer or agent of such corporation, nor such corporation have ever existed; every person guilty of this offence shall ^{Penalty.} be punished by imprisonment not more than five years, or by fine not exceeding one thousand dollars.

SEC. 73. The total or partial erasure, or obliteration of ^{Partial erasure of signature.} any record, process, certificate, deed, will, or any other instrument in writing mentioned in this division, with intent to defraud, shall be deemed forgery, and the offender shall be punished by imprisonment not more than five ^{Penalty.} years, or fined not exceeding one thousand dollars.

SEC. 74. If any person having been convicted of either of the offences mentioned in sections from 64 to 70 in ^{Persons being convicted of the above.} this division, be afterwards convicted of a like offence; or if any person at the same term of court, be convicted of three such distinct offences, he shall be punished by imprisonment not exceeding ten years, nor less than three ^{Penalty.} years.

SEC. 75. If any person cast, stamp, engrave, make, or ^{Having in possession dies &c} mend, or have in his possession any mould, die, press or other instrument or tool, adapted and designed for forging or counterfeiting of any coin before mentioned, with intent to use the same, or permit the same to be used for ^{Penalty.} that purpose, he shall be punished by imprisonment not

more than five years, or by fine not more than one thousand dollars.

Sec. 76. If any person forge or counterfeit any gold or silver coin of any foreign government or country, with intent to export the same to injure or defraud any such government, or the citizens thereof; he shall be punished by imprisonment not exceeding ten years.

Having counter-
feited coin of
other country.

Penalty.

Sec. 77. Any person who is convicted of having forged, counterfeited, or falsely obtained the great seal of the Territory, or the seal of any public office authorized by law; or the seal of any court, corporation, city or county; or who falsely makes, forges, or counterfeits any impression purporting to be the impression of any such seal, with intent to defraud, shall be punished by imprisonment not exceeding ten years.

Counterfeit
seal of this ter-
ritory.

Penalty.

TITLE VII.

OFFENCES AGAINST PUBLIC JUSTICE.

Sec. 78. If any person on oath or affirmation lawfully administered, wilfully and corruptly swear, or affirm falsely to any material matter in any proceeding in any Court of justice, or before any officer thereof, or before any tribunal or officer created by law, or in any proceeding, or in regard to any matter or thing in or respecting which an oath or affirmation is or may be required or authorized by law, he is guilty of perjury, and shall be punished, if the perjury was committed on the trial of a capital or felonious crime, by imprisonment for life, or any term of years not less than ten; and if committed in any other case, by imprisonment not more than ten years, nor less than two years: *Provided*, That any person who by wilful and corrupt perjury or subornation of perjury, shall procure the conviction and execution of any innocent person, shall be deemed and adjudged guilty of murder, of the first degree and punished accordingly.

Perjury defined.

Penalty.

Of capital case,
penalty.

Proviso

Sec. 79. If any person endeavor to incite or procure another to commit perjury, he is guilty of subornation of perjury, and shall be punished as provided in the preceding section.

Subornation.

SEC. 80. If any person endeavor to incite another to ^{Attempt to suborn.} commit perjury, though no perjury be committed, he shall be punished by imprisonment not more than five years, or ^{Penalty.} by fine not more than five hundred dollars.

SEC. 81. If any person give, offer, or promise to any ^{Attempt to bribe any officer.} executive or judicial officer, or member of the Legislative Assembly, any valuable consideration, gratuity, service, or benefit whatever, with intent to influence his act, vote, opinion, or judgment in any matter, question, cause, or proceeding, which may be pending, or which may legally come, or be brought before him in his official capacity, he ^{Penalty.} shall be punished by imprisonment not more than five years, or by fine not more than one thousand dollars.

SEC. 82. If any executive or judicial officer, or member of the Legislative Assembly accept any valuable con- ^{Any officer receive any bribe} sideration, gratuity, service, or benefit whatever, or any promise to make the same, or to do any act beneficial to such officer or member under the agreement, or with the understanding that his vote, opinion, decision, or judgment, shall be given in any particular manner, or upon any particular side of any question, cause, or other proceeding, which is, or may by law be brought before him in his official capacity, or that in such capacity he will make any particular nomination or appointment, he shall ^{Penalty.} be imprisoned not more than ten years, or be fined not more than two thousand dollars, or fine and imprisonment at the discretion of the Court.

SEC. 83. Any person who is convicted under either of ^{Person convicted as above,} the two preceding sections, shall for ever afterwards be disqualified from holding any office under the laws of this Territory.

SEC. 84. If any person give, offer, or promise any val- ^{Bribe or offer to any juror.} uable consideration, or gratuity whatever to any one summoned, appointed, or sworn as juror, or appointed or chosen arbitrator, or umpire, or referee, or to any appraiser of real or personal estate, or any public officer, with intent to influence the opinion or decision of any such person in any matter, inquest, or cause, which may be pending or can legally come before him, or which he may be called on to decide in either of said capacities, he shall

Penalty. be punished by imprisonment not more than five years, or by fine not exceeding one thousand dollars.

Person above referred to receive such value. **Sec. 85.** If any person mentioned or referred to in the preceding section, shall take or receive any such valuable consideration or gratuity whatever, to give his verdict, award, or report, in favor of any particular party in a matter for the hearing or decision of which such person has been summoned, appointed, or chosen as aforesaid, he shall be punished by imprisonment not more than ten years, or by fine not exceeding one thousand dollars, or by both fine and imprisonment at the discretion of the Court.

Penalty.

Marshal or other officer receive and delay to perform his duty. **Sec. 86.** If any Marshal, Sheriff, deputy Sheriff, Constable, or other officer, receive from a defendant, or any other person, any money or other valuable thing, as a consideration, or inducement for omitting or delaying to arrest any defendant, or to carry him before a magistrate or to prison, or for postponing, delaying, or neglecting to perform any thing pertaining to the duties of his office, he shall be punished by imprisonment not more than one year, or fine not more than five hundred dollars.

Penalty.

Officer neglects to perform duty. **Sec. 87.** If any officer wilfully neglect or refuse to serve any process, or delay or omit to execute such process, whereby any person charged with crime, or any criminal escape, he shall be punished by imprisonment not more than one year, or by fine not exceeding one thousand dollars, or both fine and imprisonment, at the discretion of the Court.

Penalty.

Misprision of felony for reward in capital cases. **Sec. 88.** If any person having knowledge of the commission of any offence punishable with death or imprisonment for life, take any money or valuable consideration or gratuity, or any promise therefor, upon an agreement or understanding expressed or implied, to compound or conceal such offence, or not to prosecute the same, or not to give evidence thereof, he shall be punished by imprisonment not more than one year, or by fine not exceeding four hundred dollars, or both fine and imprisonment, at the discretion of the Court.

Penalty.

Misprision of felony in case not capital. **Sec. 89.** If any person having knowledge of the commission of any offence punishable with imprisonment for a limited term of years, is guilty of the offence described in the preceding section, he shall be punished by impri-

sonment not more than one year, or by fine not exceeding ^{Penalty.} four hundred dollars, or both fine and imprisonment at the discretion of the Court.

SEC. 90. If any Jailor or other officer voluntarily suf- ^{Jailor suffer pri-}fer any prisoner in his custody to escape, if upon charge or ^{soner in a cap-}conviction of capital offence, he shall be punished by im- ^{ital offence to}prisonment not more than ten years, nor less than one ^{escape.}year; or if it be upon charge or conviction of a felony ^{Penalty.}other than a capital offence, he shall be punished by im- ^{In case of fel-}prisonment not more than eight years, or by fine not more ^{ony.}than one thousand dollars. ^{Penalty.}

SEC. 91. If any Jailor or other officer voluntarily suf- ^{If upon charge}fer any prisoner upon charge or conviction of any public ^{of public of-}offence to escape, he shall be fined not more than five ^{fence.}hundred dollars, or imprisoned not exceeding one year, ^{Penalty.}or both fined and imprisoned.

SEC. 92. If any person by any means whatever, aid ^{Aid the escape}or assist any prisoner lawfully detained in the custody of ^{of prisoner.}any officer, or in any place of confinement for any felony ^{Or attempt.}or misdemeanor, in an attempt to escape, whether such ^{Penalty.}escape be effected or not; or forcibly rescue any person held in legal custody upon any criminal charge, he shall ^{Penalty.}be punished by imprisonment not more than ten years, or fine not more than one thousand dollars, or both fine and imprisonment.

SEC. 93. If any prisoner convicted of any crime, and ^{If prisoner es-}sentenced to imprisonment for a less term than for life, ^{cape.}shall break his confinement, and escape from custody, he shall be punished by imprisonment not exceeding five ^{Penalty.}years, to commence from and after the expiration of the original term of his imprisonment.

SEC. 94. If any person shall knowingly and wilfully ^{Resisting offi-}resist or oppose any officer of this Territory, or any per- ^{cers or attempt-}son authorized by law, or any Court, in serving or attempt- ^{to.}ing to serve or execute any legal writ, will, order or process whatsoever, he shall be punished by imprisonment ^{Penalty.}not exceeding one year, or by fine not more than one thousand dollars, nor less than one hundred dollars, or both fine and imprisonment, at the discretion of the Court.

Persons neglect
or refuse to as-
sist officer.

Sec. 95. If any person being lawfully required by any Marshal, Sheriff, Constable, or other officer, wilfully neglect or refuse to assist him in the execution of his office, in any criminal case, or in any case of escape or rescue, he shall be punished by imprisonment not exceeding six months, or fine not more than one hundred dollars.

Penalty.

Bartrary.

Sec. 96. If any Judge, Justice of the Peace, clerk of any Court, Sheriff, Constable, Attorney or Counselor at law, encourage, excite, or stir up any suit, quarrel, or controversy between two or more persons, he shall be punished by fine not exceeding five hundred dollars, and shall be answerable to the party injured in treble damages sustained in consequence thereof.

Penalty.

Misdemeanor.

Sec. 97. When any duty is, or shall be required by law of any public officer, or of any person holding any public trust or employment, every wilful neglect to perform such duty, where no special provision has been made for the punishment of such delinquency is a misdemeanor.

Sec. 98. When the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the doing of such act is a misdemeanor.

Misdemeanor.

Sec. 99. Any person who is convicted of a misdemeanor, the punishment of which is not otherwise prescribed by any statute, shall be punished by imprisonment not more than one year, or by fine not more than five hundred dollars, or by both fine and imprisonment.

Penalty.

False returns
of officers.

Sec. 100. If any public officer fraudulently make or give false returns, entries, certificates, or receipts in cases where returns, entries, certificates, or receipts are authorized by law, he shall be fined not exceeding five hundred dollars, or imprisoned not more than one year, or both at the discretion of the Court.

Penalty.

TITLE VIII.

MALICIOUS MISCHIEF.

Maiming ani-
mals.

Sec. 101. If any person maliciously kill, maim, or disfigure any horse, cattle, or other domestic beast of another, or maliciously administer poison to any such an-

imals; or expose any poisonous substances, with intent that the same should be taken by them, he shall be punished by imprisonment not exceeding one year, or fine not exceeding three hundred dollars. Penalty.

SEC. 102. If any person maliciously take down, injure, or remove any monument erected, or any tree marked as a boundary of any tract of land, city, or town lot, or destroy, deface, or alter the marks of any monument or tree made for the purpose of designating such boundary, he shall be punished by imprisonment not more than one year, or by fine not more than two hundred dollars, or fine and imprisonment at the discretion of the Court. Altering land marks. Penalty.

SEC. 103. If any person maliciously injure, deface, or destroy any building or fixture attached thereto, wilfully and maliciously injure, destroy, or secrete any goods, chattels, or valuable paper of another, or maliciously prepare any dead fall, or dig any pit, or set any gun, or arrange any other trap to injure another's person or property, he shall be imprisoned not more than one year, or fined not exceeding five hundred dollars, or both fined and imprisoned at the discretion of the Court; and is liable to the party injured in a sum equal to three times the value of the property so destroyed or injured, or damage sustained in a civil action. Destroying goods, digging pits &c. Penalty.

TITLE IX.

OFFENCES AGAINST PUBLIC HEALTH.

SEC. 104. If any person knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer; or if any person adulterate fraudulently, for the purpose of sale, any substance intended for food, or any wine, spirituous or malt liquor, or other liquor intended for drinking, he shall be punished by imprisonment not more than one year, or by fine not more than five hundred dollars, or both fine and imprisonment; and the article so adulterated shall be forfeited and destroyed. Selling unwholesome provisions or liquors. Penalty.

SEC. 105. If any person fraudulently adulterate for the purpose of sale, any drug or medicine, in such manner as to lessen its efficiency, or change the effect or operation Adulterated drugs.

of such drugs or medicine, or to make them injurious to health; or sell them knowing they are thus adulterated, he shall be punished by imprisonment not more than one year, or fined not more than five hundred dollars, or both at the discretion of the Court, and such adulterated drugs and medicines shall be forfeited and destroyed.

Penalty.

Selling poisons SEC. 106. If any apothecary, druggist, or other person, sell and deliver any arsenic, corrosive sublimate, prussic acid, or any poisonous liquid or substance without having the word "poison," and the true name thereof written or printed upon a label attached to the vial, box, or parcel containing the same, he shall be punished by fine not exceeding five hundred dollars, and imprisoned not more than one year, or both at the discretion of the Court.

Penalty.

Against administering unknown medicines or poisons SEC. 107. If any doctor, physician, apothecary, or any other person, shall give, communicate, or administer, or by their influence, counsel, advice, persuasion, suggestion, or by any means whatsoever, give, or cause to be given by themselves directly or indirectly, or through the aid or medium of any other person or persons, agency, or means whatever, any deadly poison, whether animal, mineral, or vegetable, such as quicksilver, arsenic, antimony, or any mercurial, arsenical, or antimonial preparations therefrom; or cicuta, deadly night-shade, hen-bane, opium, or any of the diversified preparations therefrom; or any drugs, medicines, and other preparations, such as chloroform, ether, exhilarating gas calculated in their nature to destroy sensibility, from any other poisonous minerals or vegetables, to any citizen of the Territory of Utah, whether sick or well, old or young, man woman or child, under pretence of curing disease, or from any other real or pretended cause, influence, argument, or from any design or purpose whatsoever, without first explaining fully, definitely, critically, simply, and unequivocally to the patient, and surrounding friends and relatives, such as father, mother, husband, wife, children, guardian, or others as the case may be, and in plain, simple, English language, the specific nature, operation, and design of said poison, or poisonous preparation, about to be, or intended to be given, and procuring the unequivocal approval, approbation and consent of the patient, if of mature years, and sound mind, and of the parents, guardians, or other friends, to the giving, administering, or communicating said poison so

without explaining the same,

and have the approval.

intended, said doctor, physician, apothecary, person or persons so administering said poison, without the full and free assent of said patient and friends, shall be ad-^{Free assent.} judged guilty of a high misdemeanor, and be punishable in any sum not less than one thousand dollars. and be imprisoned or confined to hard labor for any time not less^{Penalty.} than one year; and if the death of the patient or person so receiving the poison as above specified, shall follow the taking of the same, without being made acquainted with the nature thereof, then the doctor, physician, apothecary, person or persons so giving or causing to be given said^{Said persons} poison, shall be adjudged guilty of manslaughter, or murder as the case may be, by any court having jurisdiction,^{shall be guilty of manslaughter.} and be punished according to law for such crimes: *Provided,* That the administration of poisons as specified in the fore part of this section, and the penalties thereof shall not attach to doctors, physicians, and apothecaries, having their own drugs, poisons and medicines, accompanying, and administering to companies and individuals traveling through the Territory, the same not being citizens of the Territory; but all such doctors and companies so traveling, may administer to, and receive of their own drugs, poisons, or medicines, with good intent, on their own responsibility.

TITLE X.

OFFENCES AGAINST THE PUBLIC PEACE.

SEC. 108. If two or more persons voluntarily or by^{Affray.} agreement engage in any fight, or use blows or violence toward each other in an angry or quarrelsome manner, in any public place to the disturbance of the peace, they are guilty of an affray, and shall be punished by imprisonment not more than three months, or fine not more than^{Penalty.} fifty dollars.

SEC. 109. When three or more persons together, and in a violent or tumultuous manner, commit an unlawful^{Riot.} act, or together do a lawful act in an unlawful, violent, or tumultuous manner, to the disturbance of others, they are guilty of a riot, and every such offender shall be punished by imprisonment not more than one year, or by fine^{Penalty.} not more than five hundred dollars.

TITLE XI.

JUSTIFIABLE KILLING AND THE PREVENTION OF PUBLIC OFFENCES.

Lawful resistance in defence of person or others. SEC. 110. Lawful resistance to the commission of a public offence, may be made by the party about to be injured, or by others. Resistance sufficient to prevent the offence may be made by the party about to be injured, first to prevent an offence against his person; second, to prevent an offence against his wife, child, father or mother, brother or sister; third, to prevent an illegal attempt by force, to take or injure property in his lawful possession.

Of property. SEC. 111. Any other person in aid or defence of the person about to be injured, may make resistance sufficient to prevent the offence.

Justifiable homicide defined. SEC. 112. If any person shall kill another in his own defence, as above provided, or in a sudden heat of passion caused by the attempt of any such offender to commit a rape upon his wife, daughter, sister, mother, or other female relation or dependant; or to defile the same, or when the defilement has actually been committed, or in defence of his habitation against any person who attempt to enter in a violent, tumultuous, or riotous manner, or offers any personal violence to any inmate thereof, either dwelling or being therein, shall be deemed justifiable homicide.

A fear not justify the killing. SEC. 113. A bare fear of any of these offences being about to, or having been committed, shall not be sufficient to justify the killing. It must appear that the circumstances were sufficient to excite the fears of a reasonable person, and that the party killing, really acted under the influence of those fears, and not in a spirit of revenge.

If officer when resisted killed, when justified. SEC. 114. If an officer in the execution of his office in a criminal case, having a legal process, be resisted and assailed, he shall be justified if he kill the assailant. If any officer or private person attempt to take a person charged with treason, murder, rape, burglary, robbery, arson, perjury, forgery, counterfeiting, or other crime known, denominated felony by the law, and he or they be resisted in the endeavor to take the person accused, and

to prevent the escape of the accused by reason of such resistance, he or she be killed, the officer or private person so killing, shall be justified.

SEC. 115. Justifiable homicide may also consist in unavoidable necessity, without any will, or desire, and without any intention or negligence in the party killing. An officer who, in the execution of public justice puts a person to death in virtue of a judgment of a competent Court of justice, shall be justified; the officer must however proceed in the performance of his duty, according to the direction of the Court, and the law of the land. Shall consist in unavoidable necessity.

SEC. 116. Excusable homicide, by misadventure, is when a person in doing a lawful act without any intention of killing, yet unfortunately kills another, as when a man is at work with an axe, and the axe flies off the handle, and kills a bystander, it is only a misadventure, and all other instances which stand upon the same footing of reason and justice as those enumerated, shall be considered justifiable or excusable homicide. The homicide appearing justifiable or excusable, the person indicted shall upon his trial, be fully acquitted and discharged. Unfortunately kills shall be justified.

TITLE XII.

GENERAL DEFINITION AND PROVISION AS TO CRIMES AND OFFENCES.

SEC. 117. Public offences are divided into felony and misdemeanors. A felony is an offence punishable with death, or imprisonment for a term of one year or more; every other offence is a misdemeanor. No person can be punished for a public offence except upon legal conviction in a court having jurisdiction thereof. All criminal prosecution shall be commenced and carried on in the name of "the people of the United States in the Territory of Utah." Felony and misdemeanor. Prosecutions, how commenced.

SEC. 118. No person shall be subject to a second prosecution for a public offence for which he has been once prosecuted, and legally convicted or acquitted. No person subject to second trial.

SEC. 119. Words importing the singular number only may be extended to several persons or things; and words importing the plural number only, may be applied to one Definition of terms and constructions.

person or thing; and words importing the masculine gender only, may be extended to females. All words and phrases shall be construed according to the context, and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such peculiar and appropriate meaning.

A private person may arrest another.

SEC. 120. A private person, who has arrested another for the commission of a public offence, must without unnecessary delay, take him before a magistrate, or deliver him to a peace officer.

Accessory before the fact.

SEC. 121. There is no distinction between an accessory before the fact, and a principal, in the commission of a public offence, whether they directly commit the act constituting the offence, or aid and abet in its commission, though not present; they must be indicted, tried, and punished as principals. An accessory after the fact may be indicted, tried, and punished, though the principal be neither tried nor convicted.

After the fact, how punished.

Enticing a female away.

SEC. 122. Upon a trial for enticing or taking away an unmarried female of previously chaste character, for the purpose of prostitution; or aiding or assisting therein; or for seducing and debauching any unmarried woman of previously chaste character; or on trial for rape, or attempt to commit rape, the testimony of the party injured being corroborated by the attending circumstances, tending to convict the defendant of the commission of the offence, shall be deemed sufficient.

On trial for rape, party may testify.

Court may confine prisoner to ball and chain and labor.

SEC. 123. When a person is convicted of a public offence, the punishment for which is imprisonment, the Court may direct that he wear a ball and chain, and that he perform hard labor during the term of his imprisonment.

No bar to civil suit.

SEC. 124. No conviction and consequent punishment of imprisonment and fine shall be any bar to a civil suit for damages.

Mode of punishment.

SEC. 125. When any person shall be convicted of any crime, the punishment of which is death according to the provisions of this act, and sentenced to die, said person

shall suffer death by being shot, hung, or beheaded, as the Court may direct, or the person so condemned shall have his option as to the manner of his execution.

Approved March 6, 1852.

AN ACT PROVIDING FOR THE BRIDGING OF DITCHES OR SECTS LEADING ACROSS THE HIGHWAYS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That if any person or persons shall have taken, or may hereafter take water out of the natural stream or sect, where it is wont to flow, and conduct the same, or any part thereof, across any public highway, or road, by means of a ditch or sect, any person or persons so conducting water, shall be required to make or cause to be made a good and sufficient culvert or gravel ford, or bridge over such ditch or sect and keep the same in repair where the same crosses any such public road or highway, to the acceptance of the Supervisor of the district where the ditch or sect shall have been made.

Any person taking water out of channel.

Make good bridge.

SEC. 2. If any person or persons, so conducting water, shall neglect, or refuse to make the necessary bridge, culvert or ford, agreeably to the provisions of this act, then it shall be the duty of the Supervisor to make, or cause to be made, a suitable bridge, culvert, or ford across the ditch or sect at the expense of the person or persons so offending, and may recover the same by a suit at law, before any court having jurisdiction in the matter.

Supervisor to make bridge at the expense of person.

Approved, March 3, 1852.

AN ACT TO PROVIDE FOR THE FURTHER ORGANIZATION OF THE MILITIA OF THE TERRITORY OF UTAH.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That the Militia of the Ter-

Nauvoo Legion. Territory of Utah shall consist of one Legion, to be called the Nauvoo Legion.

Lieut. Gen. SEC. 2. The Nauvoo Legion shall be commanded by a Lieutenant General, which shall be elected by a majority of the votes given, of the commissioned officers of said Legion, and commissioned by the Governor.

Vacancy of. In case of a vacancy occurring in the office of Lieutenant General, the ranking Major General shall take command until the vacancy is filled.

All elections for filling the office of Lieutenant General to be ordered by the Governor.

Organization under Lt. Gen. SEC. 3. The organization of said Legion into Divisions, Brigades, Regiments, Battalions, Companies, and Districts, shall be carried out under the direction of the Lieutenant General.

Staff of Lt. Gen. SEC. 4. The Staff of the Lieutenant General shall consist of Heads of Departments, as hereinafter provided for, —three Aides with the rank of Colonel; two Topographical Engineers with the rank of Colonel; a Military Secretary with the rank of Lieutenant Colonel, and two Chaplains.

Adj. Gen. department of. SEC. 5. The Adjutant General shall have the rank of Brigadier General; and in his department there shall be, to each Division a Division Inspector with the rank of Colonel; to each Brigade a Brigade Inspector, to serve also as a Brigade Major, with the rank of Major; and to each Regiment, separate Battalion, and District, an Adjutant with the rank of Captain.

Commissary Gen. department of. SEC. 6. The Commissary General of Subsistence shall have the rank of Brigadier General; and in his department there shall be to each Division, a Division Commissary with the rank of Colonel; to each Brigade a Brigade Commissary with the rank of Major; and to each Regiment, separate Battalion and District, a Commissary of Subsistence, with the rank of first Lieutenant.

Qr. Master Gen. department of. SEC. 7. The Quartermaster General shall have the rank of Brigadier General; and in his department there shall be so many Military Store keepers, for the safe keeping, and the preserving of the Territorial fortifications and Military

stores, belonging to this Territory, as the Lieutenant General may find it necessary to appoint, not exceeding one to each District.

SEC. 8. In the Paymaster General's Department, there shall be a Paymaster General with the rank of Colonel; to ^{Paymaster Gen. department of.} each Division a Division Paymaster with the rank of Major; to each Brigade a Brigade Paymaster with the rank of Captain; and to each Regiment, separate Battalion, and District, a Paymaster with the rank of first Lieutenant.

SEC. 9. In the hospital department, there shall be a ^{Surgeon Gen. department of.} Surgeon General with the rank of Colonel; to each Division a Surgeon of Division with the rank of Lieutenant Colonel; to each Brigade a Surgeon of Brigade with the rank of Major; to each Regiment a Surgeon with the rank of Captain; and to each separate Battalion and District, a Surgeon's Mate with the rank of second Lieutenant.

SEC. 10. In the Color Department there shall be two Color Bearers General with the rank of Captain; and ^{Color department.} to each Regiment and separate Battalion two Sergeant Color Bearers.

SEC. 11. In the Music Department there shall be a ^{Music department.} chief of Music with the rank of Colonel; and to each Regiment, separate Battalion, and District, a principal Musician, with the rank of Sergeant Major.

SEC. 12. There shall be to each Regiment a Sergeant Major and a Quartermaster Sergeant.

SEC. 13. The chief of each Staff Department shall, under the direction of the Lieutenant General, have ^{Staff department.} command over all subordinate officers in his department, and shall, from time to time, issue orders and instructions for their government and practice.

SEC. 14. It shall be the duty of the Adjutant General to furnish the subordinate officers of his department, and ^{Duty of Adj. Gen.} the chief of each of the other departments, all blank forms of returns, precepts, warrants, and proceedings necessary in each department, at the expense of the Territory.

SEC. 15. Heads of departments shall be appointed by the Lieutenant General.

Brigade inspectors and commissaries how appointed.

SEC. 16. Division and Brigade Inspectors and Commissaries of Subsistence, shall be appointed by the Commanders of the Divisions and Brigades from the officers of the line in their respective commands, and shall constitute their Staff. Military Store keepers shall be appointed by the Lieutenant General. Adjutants and Commissaries of Subsistence of Regiments, separate Battalions, and Districts, shall be appointed by the Commanders of such, from the officers of the line in their respective commands. Division, Brigade, Regimental, Battalion, and District Surgeons and Paymasters shall be appointed by the respective Commanders of the Divisions, Brigades, Regiments, separate Battalions, and Districts, to which they are attached, subject to the approval of the Lieutenant General.

Other staff officers how appointed.

Duty of Adj. Gen.

SEC. 17. It shall be the duty of the Adjutant General to keep in his office a correct rank roll of all the officers of the Legion, together with muster rolls of all musters made throughout the Legion, as well as a record of all property in charge of the several heads of departments, and the proceedings of the departments, together with a full and correct report of all expeditions, and the expenses accruing thereon.

Duty of heads of departments

SEC. 18. It shall be the duty of heads of departments to furnish the Adjutant General, on or before the first day of April and the first day of October in each year, with a full and correct report of all proceedings and expenditures in their respective departments, together with a report and description of all property in charge of themselves and the subordinate officers of their departments.

Duty of commanders.

SEC. 19. It shall be the duty of Commanders of Divisions and Brigades; of Regiments and separate Battalions not attached to Brigades or Divisions; and of Districts, to furnish the Adjutant General with correct reports and muster rolls of all company and other musters and drills, within twenty days after such muster or drill. And, on failing so to do, such commander shall be liable to fine or dismissal, or to be cashiered, at the discretion of a general Court Martial. And it shall also be the duty of such commanders to report all officers under their command who shall neglect or refuse to make said reports and return said rolls to them within the specified time; and such

delinquent officer shall be fined, dismissed, or cashiered, at the discretion of a general Court Martial.

SEC. 20. A Division shall consist of not less than two ^{Divisions how} nor more than four Brigades; and may be composed of one ^{officered.} Brigade of Cavalry and one Brigade of Infantry. And to each Division there shall be one Major General, one Division Inspector, one Division Commissary, one Division Paymaster, one Surgeon of Division, and two Chaplains.

SEC. 21. A Brigade of Cavalry, Artillery, Light Ar- ^{Brigade how} tillery, Infantry or Riflemen, shall consist of not less than ^{officered.} two nor more than four Regiments; and to each Brigade of Infantry there shall be attached one company of Artillery; and to each Brigade of Cavalry, one company of Light Artillery. To each Brigade there shall be a Brigadier General, one Brigade Inspector, one Brigade Commissary, one Brigade Paymaster, one Surgeon of Brigade, and one Chaplain.

SEC. 22. A Regiment of Cavalry, Artillery, Light Ar- ^{Regiment.} tillery, Infantry, or Riflemen, shall consist of not less than four nor more than eight companies; and to each Regiment of Infantry there shall be two uniform companies, which will supply the place of Grenadiers and Riflemen. To each Regiment there shall be one Colonel, one Lieu- ^{How officered.} tenant Colonel, one Major, one Adjutant, one Commissary of Subsistence, one Paymaster, one Surgeon, one Chaplain, one Sergeant Major, one Quartermaster Sergeant, one principal Musician, and two Sergeant Color bearers.

SEC. 23. A separate Battalion of Cavalry, Artillery, ^{Separate bat-} Light Artillery, Infantry, or Riflemen, shall consist of not ^{talion; how of-} less than two nor more than four companies. To each separate Battalion there shall be one Major, one Adjutant, one Commissary of Subsistence, one Paymaster, one Surgeon's Mate, one principal Musician, and two Sergeant Color bearers.

SEC. 24. A company of Cavalry shall consist of not less than twenty-five nor more than fifty-seven ^{Cavalry com-} privates. ^{pany; how of-} To each company of Cavalry there shall be one Captain, ^{ficered.} one first Lieutenant, one second Lieutenant, one third

Lieutenant, four Sergeants, four Corporals, and two Buglers.

Artillery company; how officered.

SEC. 25. A company of Artillery, Light Artillery, Infantry, or Riflemen, shall consist of not less than forty-one, nor more than eighty-nine privates. To each company of Artillery, Light Artillery, Infantry, or Riflemen, there shall be one Captain, one first Lieutenant, one second Lieutenant, one third Lieutenant, four Sergeants, four Corporals, and two Musicians.

Nauvoo Legion

SEC. 26. The Nauvoo Legion is hereby divided into Military Districts, as follows, to wit:

How divided

1st. The Great Salt Lake Military District shall include all the Militia within the boundaries of Great Salt Lake City.

2d. The Davis Military District shall include all the Militia within the limits of Davis county.

3d. Weber Military District shall include all the Militia within the limits of Weber county.

4th. The Box Elder Military District shall include all the Militia within the limits of Box Elder county.

5th. The Western Jordan Military District shall include all the Militia in Great Salt Lake county west of the Jordan river.

into military

6th. The Tooele Military District shall include all the Militia within the limits of Tooele county.

7th. The Cottonwood Military District shall include all the Militia in Great Salt Lake county, south of the south line of Great Salt Lake city and east of the Jordan river.

8th. The Utah Military District shall include all the Militia in Utah county.

districts.

9th. The San Pete Military District shall include all the Militia within the limits of San Pete county.

10th. The Pauvan Military District shall include all the Militia within the limits of Millard county.

11th. The Iron Military District shall include all the Militia within the limits of Iron county.

12th. The Green river Military District shall include all the Militia within the limits of Green river county.

Districts; how commanded.

SEC. 27. Where a Battalion, Regiment, Brigade, or Division, or more, is organized within a Military District, the ranking officer shall have command of the District. But where such an organization does not exist, in conse-

quence of the too great distances between companies, then the Lieutenant General shall appoint an officer to take command of the District, subject to the election and reception of the District, whose rank shall be in proportion to the number of companies therein. If there be no more than one company in the District, then the Captain shall be the commander of the District.

SEC. 28. It shall be the duty of Commanders of Districts to divide their Districts into company districts, and ^{Duty of commanders of districts.} cause that every male citizen within the bounds of such company district, between the ages of eighteen and forty-five years, (except such as are exempt by law,) shall be enrolled by the Captain of the company, and shall perform military duty according to the requirements of this act: *Provided*, That no citizen having previously ^{Provided.} and voluntarily enrolled himself in any other company, and who continues to perform military duty in such company, shall be compelled to be enrolled in such company district.

SEC. 29. There shall be a Muster and Inspection of ^{Company musters.} Arms of each company as often as two days in each year, on their own company parade grounds, at such times as the Lieutenant General or District Commanders may order.

SEC. 30. It shall be the duty of all general, regimental and staff officers, to be on parade on the days of all ^{Duty of staff and other officers.} company musters and drills in their respective commands, to encourage and set example to the companies, and see that a uniformity of discipline is carried out throughout the whole, as may be directed by the Lieutenant General; and to do and perform such duties as may be assigned them by the Lieutenant General, or their District Commanders, compatible with their respective ranks.

SEC. 31. Any non-commissioned officer, musician, or ^{Delinquencies} private, failing to attend any muster provided for by law, and not remaining at the same for the time appointed, and not having his arms, accoutrements, and ammunition, as required by law, shall be liable to forfeit and pay not exceeding the sum of three dollars.

SEC. 32. All commissioned company officers, for an

offence of like nature shall forfeit and pay not exceeding the sum of six dollars.

Officers.

SEC. 33. All general and regimental officers, either field or staff, for an offence of like nature, shall forfeit and pay not exceeding the sum of twelve dollars.

Courts Martial.

SEC. 34. All fines, forfeitures and penalties accruing as herein contemplated, shall be collected before Courts Martial, detailed as follows, to wit:

From company officers, non-commissioned officers, musicians and privates, before a Battalion, regimental or district Court Martial

From regimental, field and staff officers and non-commissioned staff officers, before a brigade Court Martial; or if no brigade is organized in the district, before a district Court Martial.

From general and staff officers of brigades and divisions before a general Court Martial.

From commanders and staff officers of districts, before a general Court Martial.

Duty of commanders of companies.

SEC. 35. For the purpose of warning the non-commissioned officers, musicians and privates to any parade or place of rendezvous, required by law, the commandant of each company shall issue his warrant under his hand, to his lieutenants and non-commissioned officers, requiring them respectively to warn all persons within their respective prescribed beats, subject to military duty, enrolled in his company, or within the bounds of his company district, not enrolled in any other company, or all persons named in the warrant, to appear at such parade or place of rendezvous, armed and equipped as the law directs.

Duty of other company officers.

SEC. 36. Each lieutenant or non-commissioned officer, to whom such warrant is directed, shall warn every person whom he shall be therein required to warn, by reading the warrant or stating the substance thereof in the hearing of such person; or if such person be absent, by leaving a notice thereof at his usual place of abode, with some person of suitable age and discretion, or affixing the same on the outer door of the house, in case no such person can be found therein.

Further duties.

SEC. 37. Such lieutenant or non-commissioned officer shall deliver the warrant to his commandant with a return

thereon, of all persons by him warned, and the manner of warning them respectively, certified to.

SEC. 38. Such commandant shall deliver the warrant and return, together with his own return of delinquents and delinquencies to the president of the proper Court Martial.

SEC. 39. The return of such lieutenant or non-commissioned officer, so certified to, shall be as good evidence on the trial of any person, returned as a delinquent, of the facts therein stated, as if such officer had testified to the same before the Court Martial on such trial.

Returns of delinquents.

SEC. 40. Every commandant of a company shall make the like return, and with like effect, of every delinquency and neglect of duty of his lieutenants or non-commissioned officers, either in not attending on parade, or not executing or returning a warrant to them directed, or not obeying the orders of their commanding officers.

Returns.

SEC. 41. Any commissioned officer of a company may without a warrant, warn any or all of the persons subject to military duty enrolled in, or within the beat of the company, not enrolled in any other company, to appear at any parade or place of rendezvous. Such warning may be given by him either personally, or by leaving or affixing a notice in the same manner as if given under the warrant of the Captain of the company; and his certificate shall be received by any Court Martial as legal evidence of such warning.

Enrollments.

SEC. 42. All tavern-keepers, keepers of boarding-houses, persons having boarders in their families, and house-keepers, upon their being thereto requested by the commandant of the company within the district limits of which they reside, or by the lieutenant or non-commissioned officer of any such company, having a warrant from such commanding officer, warn persons to attend any parade, shall give to such commanding officer, lieutenant, or non-commissioned officer, a true account of all persons lodging or boarding with them, and of their names, if known, to the end that such persons as are liable to do military duty, may be warned to rendezvous according to law.

Tavern keepers to give account of persons.

SEC. 43. If any person, of whom such account is so

Give false account.

demande, shall refuse to give such account and names, or wilfully give a false account, he shall forfeit and pay twenty five dollars.

Exempt from
civil arrest.

SEC. 44. For the purpose of preserving order on the day of parade, the militia shall be considered as under arms from the rising of the sun till its setting on the same day, and shall be exempt from arrest on civil process during that time.

Discharge fire
arms.

SEC. 45. Every commandant of a company may put under guard and return to the president of the proper Court Martial the names of all persons in the company who shall have discharged fire-arms on such day within one mile of such parade, without the order or permission of a commissioned officer of their respective company, and also arrest or put under guard, and return the names of every commissioned or non-commissioned officer, musician or private, who shall, on such day, refuse or neglect to obey the orders of his superior officer, or to perform such military duty or exercise as may be required, or depart from his colors, post or guard, or leave the ranks without permission from his superior officer; or who shall appear on parade wearing a false face, or other unusual or ludicrous articles of dress; or any arms, weapons, or other implements or things not required by law, and which are calculated to interrupt the peaceable and orderly discharge of duty.

Disturb the
peace.

SEC. 46. Any commander, officer of division, brigade, regiment, separate battalion, district, or company present at any parade, is hereby authorized to put under guard or commit to prison for the day, any person or persons who shall, upon or near any parade ground, field, public highway, or any other place occupied by the militia under arms, by means of ludicrous disguises, dress, arms, and instruments, or by any other means disturb the peaceable and orderly proceedings of those under arms.

Fines.

SEC. 47. All fines that shall be imposed by any brigade, regimental, battalion, or district Court Martial, shall be reported by the president of the Court Martial to the officer ordering it, or to his successor in command, within ten days after such fines shall have been imposed. And the officer ordering the court, or his successor in command, shall give written notice, within twenty days after

the imposition of the fines (ten days being allowed after such imposition to take an appeal) to the president of the Appeals. Court Martial, of the penalties and fines which shall have been by him remitted or mitigated, and of the appeals which shall have been made from his decision; if of a separate battalion, or regimental Court Martial, to the commandant of the brigade or district; if of a brigade Court Martial to the commandant of the division or district; and if of a Court Martial of a district, or of a division, to the Lieutenant General, which shall be the channel of appeal in all trials by Court Martial.

SEC. 48. For the purpose of collecting fines, the president of the court shall, within ten days after the receipt of the written notice aforesaid, make a list of all the persons of whom fines are to be collected, designating the company to which they respectively belong, the sums imposed as fines on each person, and the persons who shall have taken an appeal, and shall draw his warrant under his hand and seal, directed to any constable of any city or county (as the case may be) thereby commanding him to levy such fine or fines, together with his costs, of the goods and chattels of such delinquents; and if any such delinquent shall be under age, and live with his father or mother, master or mistress, then to levy such fine or fines, with the costs of the goods and chattels of such father or mother, master or mistress, as the case may be.

SEC. 49. Every such constable to whom any such list and warrant shall be directed and delivered, may execute the same by levying and collecting the fines, or by taking the body of the delinquent, in any city, town, or county in this Territory, and shall make return thereof, within twenty days from the receipt of such warrant, to the president who issued the same.

The execution of such warrant shall be suspended as to those persons who shall have taken an appeal, until the further order of such commandant. If the constable shall not be able to collect the fines or take the bodies within the twenty days prescribed, then the president issuing the warrant may, at any time thereafter, within three years from the time of imposing the fines, issue a new warrant against any delinquent, or renew the former warrant from time to time as it may become necessary.

Responsibility
of officers.

SEC. 50. Division, brigade, regimental, battalion, and district commanders, ordering Courts Martial, are hereby held responsible that all fines, collected by virtue of the decision of such Courts Martial, shall be paid into the public treasury of the Territory; and are moreover held responsible for the amount of fines failing to be collected through their negligence.

TITLE SECOND.

MISCELLANEOUS PROVISIONS.

Life guards.

SEC. 51. The battalion of Life Guards in Great Salt Lake county shall be an independent battalion, not attached to any brigade or division, and shall be subject at all times to the call of the Governor and Lieutenant General.

Said corps may adopt such rules for the regulation of equipage, size of horses, uniform, or any rules for the benefit of said corps, that will not contravene any legislative enactment, and subject to the approval of the Lieutenant General.

When may
drill.

SEC. 52. Said battalion may assemble for muster and drill eight days in each year, six days of which shall be as specified by the commandant of the battalion.

Fines for delinquencies at such musters shall be the same as assessed for delinquencies in other company musters.

Other companies
may call
out musters.

SEC. 53. Commandants of companies of grenadiers, riflemen, or any other uniform or volunteer company, may, with their consent, call out their respective companies, not to exceed five days in the year, in addition to the musters and drills provided by law for the whole Militia of the Territory; subject to the same fines as for other company musters provided by law; and may also adopt such rules as will be wholesome and beneficial to their respective companies, and will not contravene any legislative enactment.

Precedence of
companies.

SEC. 54. Precedence of companies in regiments or separate battalions, and of regiments or separate battalions in Brigades or districts shall be governed by superiority of discipline, and by regularity of attendance on parades, independent of letter of company, number of regiment,

or date of commanding officer's commission; and shall be decided: of companies by regimental or battalion commanders, and of regiments or separate battalions, by brigade or district commanders, subject to reference to the Lieutenant General.

SEC. 55. All fines collected for additional company ^{Fines for additional musters.} musters other than what is provided for the whole Militia; may be appropriated for the benefit of the company, separate battalion or regiment in which the fine is collected, in providing said company, separate battalion or regiment, with colors, music, or such other decorations or equipments as may be for the general good of the company.

SEC. 56. All fines otherwise provided for, shall be ^{Fines, how ap- propriated.} paid into the public treasury of the Territory, and shall be appropriated to procure blanks of returns, rolls, &c., required in the several military departments, for the establishment of a military school, or for such other purposes that may tend to promote the general welfare of the military cause as the Lieutenant may direct.

TITLE THIRD.

MISCELLANEOUS PROVISIONS.

SEC. 57. In addition to the musters and drills of companies, two days in the year, there shall be a muster, drill, ^{District musters.} and inspection of arms, of district commands one day, between the first day of May and the last day in September in each year; the time and service to be performed, to be prescribed by the Lieutenant General or district commander.

SEC. 58. All officers of militia shall be commissioned by the Governor.

SEC. 59. Non-commissioned company officers shall be ^{Non-commissioned officers appointed.} appointed by the commanders of companies, and may be removed by them without consent of a Court Martial.

SEC. 60. All commissioned officers (Staff officers excepted) shall be elected by a majority of the votes given ^{Officers elected} of the commands to which they are attached.

SEC. 61. Commissions of officers shall be forwarded

Commissions, how received. to the persons for whom they are intended, as soon as issued, by the Adjutant General; and it shall be the duty of all persons receiving the same, to acknowledge such receipt by letter as soon as received, and state his acceptance or non-acceptance of the same. If the appointment and commission are not accepted, the commission shall immediately be returned.

Power of courts martial. **SEC. 62.** Commanders of divisions, brigades, regiments, separate battalions, or districts, may call Courts Martial for the trial of all officers, non-commissioned officers, musicians, and privates, in their respective commands, and shall have power to enforce, mitigate, or repeal the decisions of such Courts Martial: *Provided*, That no capital punishment shall be inflicted, nor a commissioned officer dismissed or cashiered, by the sentence of said Courts Martial.

Proviso.

Resignations. **SEC. 63.** Resignations of officers shall be sent to their respective battalion, regimental, brigade, division, or district commanders, and may be accepted by them, subject to the approval of the Lieutenant General: *Provided*, That the name of the officer presenting such resignation shall be continued on the rolls with the appropriate remarks opposite his name until the mind of the Lieutenant General is known on the subject: *Provided further*, That in case the acceptance of the resignation of an officer by such commander, is not approved by the Lieutenant General, said officer shall be continued in his office, subject to the same rules, laws and regulations as formerly.

Proviso.

Vacancies, how filled. **SEC. 64.** When an officer shall leave the limits of his district, to be absent for a longer term than one year, the Lieutenant General may, on application of two-thirds of the officers of the command to which such absent officer belonged, cause an election to be held in the command, for another to fill his place; and immediately on such election being held, the commission of the absent officer shall become void, and the name of the person appointed to supply his place, shall occupy the place of his name on the rolls; otherwise his name shall be retained, and he may at any future time resume his post in the command.

Accusation of capital offence. **SEC. 65.** When a commissioned or non-commissioned officer, musician or private is accused of a capital of-

fence, it shall be the duty of the accuser to prefer his charge in writing, on affirmation, and present it to the commanding officer of the district, separate battalion, regiment, brigade or division to which the accused belongs; or if such commanding officer is himself the accuser, the charge shall be made out by him in the same manner; and such original charge shall be forwarded by said commanding officer, with his suggestions, or remarks and signature, to the Adjutant General's office. It shall be the duty of the Lieutenant General, within thirty days after the receipt of such charge at the Adjutant General's office to order a general Court Martial, to consist of not more than twenty-three, nor less than nine members, to be detailed as equally from the several districts of the Legion, as the good of the service will allow, for the investigation of the case and the trial of the accused: *Provided, That* ^{Provide.} nothing herein contained shall be so construed as to prevent courts of inquiry being called in the respective districts, separate battalions, regiments, brigades, or divisions, for the investigation of any charge preferred against any officer, non-commissioned officer, musician, or private, in such command.

SEC. 66. It shall be the duty of every officer, non-commissioned officer, musician, or private, preferring a charge against another, to accompany such charge with a specification which will contain a full and explicit explanation of the offences of which the accused is charged.

TITLE FOURTH.

FURTHER PROVISIONS FOR THE ORGANIZATION AND REGULATION OF THE MUSIC DEPARTMENT.

SEC. 67. The Lieutenant General may raise and organize a band, which shall consist of not more than fifty ^{Band of music} members, and shall be officered by a Captain, and to every sixteen members, one Lieutenant and one Sergeant.

SEC. 68. The Brigadier General of each brigade of ^{Cavalry band.} cavalry, may raise and organize a band with brass instruments, which shall consist of not more than twenty-five members, and shall be officered by a captain, a first lieutenant, and an orderly sergeant, subject to the order of the division or district commander.

Infantry band. SEC. 69. The Brigadier General of each brigade, of infantry may raise and organize a band, with such instruments as will be suitable for the use and service of the corps, which shall consist of not more than twenty-five members, and shall be officered by a captain, a first lieutenant, and an orderly sergeant, subject also to the orders of the division or district commander.

SEC. 70. The bands herein provided for shall be subject to the same rules, laws, and restrictions, as other volunteer companies of the Legion.

Duty of company musicians. SEC. 71. Company musicians shall be subject to the same rules, laws, restrictions, &c., as non-commissioned company officers, at company musters or drills. When regiments or separate battalions are consolidated, it shall be the duty of the principal musicians of the respective regiments or battalions, to consolidate and take charge of the company musicians, which, when consolidated, shall form the regimental or battalion band of the regiment or battalion to which they belong.

Chief of music, duty of. SEC. 72. It shall be the duty of the chief of music to furnish each chief of the band, and each principal musician in his department with a copy of all the calls, marches, and quicksteps, to be uniformly used throughout the Legion: the expense of which shall be paid out of the Territorial treasury. And it shall further be his duty to see that the same calls are adopted correctly and uniformly throughout the Legion.

TITLE FIFTH.

MISCELLANEOUS PROVISIONS.

Commanders furnish reports. SEC 73. It shall be the duty of commanders of districts to furnish the Adjutant General with certified copies of all orders issued by them, or by division, brigade, regimental, or separate battalion. commanders in their districts, as well as with the proceedings and results of all Courts Martial, called and held in their districts, and with all papers and communications that may be of service in preserving a full and correct history of the Legion.

Duty of Adj. Gen. SEC. 74. The Adjutant General shall perform the du-

ties of inspector general; and it shall be his duty to inspect the troops of each district, at least once in each year, unless otherwise ordered by the Lieutenant General.

SEC. 75. All free male citizens of this Territory, shall be subject to military duty, within thirty days after their arrival in any military district of the Territory; except the Governor, Secretary of the Territory, Judges of the supreme, district, and probate courts, Select men, members and officers of both houses of the Legislature, within twenty days before and after each sitting of the Legislature; the United States' marshal and attorney; and such others as may be exempted by the Governor, and have received a certificate of exemption from the Adjutant General.

Subject to military duty, except.

TITLE SIXTH.

MISCELLANEOUS PROVISIONS.

SEC. 76. The Quartermaster General is hereby authorized and instructed to take measures immediately for the erection of a suitable building for the storage and preservation of the public arms, ammunition, wagons, and other ordnance, camp equipage, and property designed for the use and benefit of the Legion; and also to cause said property, arms, &c., to be put in immediate repair. And he is further authorized to draw on the Territorial treasury, for the necessary amount to be expended in accomplishing the same.

Erection of storage.

SEC. 77. The Adjutant General, the Quartermaster General, Commissary General, and all others entrusted with public property, are hereby required to give bonds with approved security, which bonds with security to be approved by the Territorial Secretary, and filed in his office, conditioned for the faithful discharge of their duty.

Officers give bonds.

SEC. 78. The Lieutenant General shall have power to increase or lessen the limits of military districts, and organize new districts: also to give instructions, when necessary, for the enrollment and organization of new companies, and make such arrangements for the general good of the Legion, as he may find necessary, which will be compatible with the provisions of the law.

Power of Lt. Gen.

SEC. 79. All acts, heretofore passed, not compatible with the provisions herein contained, are hereby repealed.
Approved, Feb. 5, 1852.

AN ACT IN RELATION TO THE INSPECTION OF SPIRITUOUS LIQUORS.

Inspector. **SEC. 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That there shall be, and hereby is created the office of a Territorial Inspector of spirituous liquors.

Gov. appoint. **SEC. 2.** The Territorial Inspector of liquors, shall be appointed by the Governor, and may be removed at pleasure.

Liquors inspection. **SEC. 3** All spirituous liquors manufactured or imported into this Territory, before being offered for sale, shall be inspected by the Territorial inspector of liquors, or his deputy.

Inspect and prove liquors. **SEC. 4.** It shall be the duty of the inspector of liquors, or deputy to inspect and prove all liquors that he may be called to prove or gauge, &c., and attach his mark or seal on the vessels containing the same.

Sykes hydrometer. **SEC. 5.** *Be it further enacted,* That Sykes Hydrometer and Scale adopted by the British Board of Excise, July 2nd, 1816, be, and is hereby adopted as the standard for the proving spirits, in the Territory of Utah.

shall denote. **SEC. 6.** All spirits shall be deemed of the strength which Sykes Hydrometer denotes them.

Selling liquors not inspected. **SEC. 7.** Any person selling spirituous liquors, that have not been inspected and approved by the inspector or deputy, according to the provisions of this act, shall forfeit and pay any sum not exceeding five hundred dollars for every such offence, at the discretion of the court hav-

Penalty.

ing jurisdiction, to be paid into the Territorial Treasury.

Approved, Feb. 5, 1852.

AN ACT LOCATING THE COUNTY SEAT OF DAVIS COUNTY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That the county seat of Davis county shall be, and hereby is located at north Cottonwood creek in said county. ^{County seat where located}

SEC. 2. It shall be the duty of the county Court to locate the site for said county seat on said creek, at the most eligible point, who shall also cause a survey for the same, and record the plot thereof in the Recorders office; a copy of which record shall also be returned to the Surveyor General's office at the seat of Government. ^{County court shall locate. Survey how made.}

SEC. 3. That said county seat, shall be, and hereby is known by the name of Farmington.

Approved, February 18, 1852.

AN ACT TO PROVIDE FOR THE ORGANIZATION OF MILLARD COUNTY, AND TO NAME THE SEAT OF GOVERNMENT.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That, that portion of Iron county known as Pauvan valley, is hereby formed into a county, to be called Millard county. Said county to contain the limits of Pauvan valley. ^{Boundary}

SEC. 2. *Be it further enacted*, That Anson Call is hereby appointed to organize said county; and it is hereby ^{County how organized.}

made his duty to organize the same, according to the provisions of an ordinance to provide for the organization of Iron county, passed by the Legislature of Deseret, December third, one thousand eight hundred and fifty.

SEC. 3. The seat of Government of the Territory, in said county, shall be called, Fillmore city.
 Approved, October 4, 1851.

Seat of govern-
ment

AN ACT DEFINING THE BOUNDARIES OF COUNTIES.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That all that portion of the Territory bounded north by Oregon, east by the meridian, passing through a point where the Weber river enters a kanyon about four miles below the ford on emigration road, south by the parallel of latitude, through the junction of the county road and the head waters of Rocky creek, being about two miles south of the mouth of Weber river kanyon, and west by California,—is hereby included within the limits of Weber county.

Weber county,
boundary of.

SEC. 2. All that portion of the country, bounded north by Weber county, east by the dividing range of mountains at the head of the streams running towards the Salt Lake, south by the parallel of latitude, running through the hot Springs and west by the eastern shore of Salt Lake,—is hereby included within the limits of Davis county.

Davis county,
boundary of.

SEC. 3. All that portion of the Territory, bounded north by Weber county, east by the western shore of the Salt Lake, south by the parallel of latitude, forming the southern boundary of Davis county, and west by California,—is hereby called Desert county; and shall be attached to Weber county for election, revenue, and judicial purposes.

Desert county,
boundary of.

Attached to
Weber county.

SEC. 4. All that portion of the Territory, bounded north by Oregon, east by the Territorial line, south by the parallel, forming the southern line of Davis county, and

Green river co.
boundary of.

west by Weber and Davis counties,—is hereby called Green river county, and attached to Great Salt Lake county for election, revenue, and judicial purposes. The sheriff of Great Salt Lake county, is hereby authorized to organize Green river county, whenever the inhabitants of said county shall call for such organization; or circumstances may render it expedient.

SEC. 5. All that portion of the Territory, bounded north by Davis and Green river counties, east by the Territorial line, south by the parallel of latitude, running through the hot Spring at the foot of Utah mountain, and west by the south-eastern shore of the Salt Lake, and the meridian passing through the Black Rock,—is hereby included within the limits of Great Salt Lake county.

SEC. 6. All the islands included in Great Salt Lake, and south of Weber county line, are hereby attached to Great Salt Lake county for election, revenue, and judicial purposes.

SEC. 7. All that portion of country, bounded north by Great Salt Lake county, east by the Territorial line, south by the parallel of latitude, passing along the summit of the dividing ridge between Juab and Utah valleys, where the state road crosses said summit, and west by the meridian, forming the western boundary of Great Salt Lake county,—is hereby included within the limits of Utah county.

SEC. 8. All that portion of the Territory, bounded the north by Desert county and the southern shore of the Salt Lake, east by Great Salt Lake and Utah counties, south by the parallel, forming the southern boundary of Utah county, and west by California,—is hereby called Tooele county.

SEC. 9. All that portion of the Territory, bounded north by Tooele and Utah counties, east by the meridian, passing through the highest summit of mount Nebo, south by the parallel of latitude, passing through the ford on Sevier river, and west by California,—is hereby declared to be Juab county.

SEC. 10. All that portion of country, bounded north by Juab, east by the meridian line, forming the eastern

boundary of Juab, south by latitude $38^{\circ} 30'$, and west by California,—is hereby called Millard county.

San Pete county, boundary of. SEC. 11. All that portion of the Territory, bounded north by Utah county, east by the Territorial line, south by latitude $38^{\circ} 30'$, and west by Juab and Millard counties,—is hereby declared to be within the limits of San Pete county.

Iron county, boundary of. SEC. 12. All that portion of the Territory, bounded north by Millard and San Pete counties, east by the Territorial line, south by latitude $37^{\circ} 30'$, and west by California,—is hereby called Iron county.

Washington county, boundary of. SEC. 13. All that portion of the country, south of Iron county, and included in the Territory, is hereby declared to be Washington county, and is, moreover, attached to Iron county for election, revenue, and judicial purposes; and the sheriff of Iron county is hereby authorized to organize Washington county when the public good may require it.

Attached to Iron county.

When crimes may be tried in any county near by. SEC. 14. If any uncertainty, or dispute shall arise, as to what county a crime has been committed in, any county near by, or within the vicinity of the place where such crime is alleged to have occurred, is hereby authorized to have jurisdiction in the case.

Approved, March 3, 1852.

AN ACT GRANTING JAMES BROWN THE RIGHT OF TAKING TOLL ON THE PUBLIC ROAD IN OGDEN CITY.

Brown have control of road for 5 years. SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That James Brown shall have the entire control of the road laid out under the Provisional Government of the State of Deseret, between Weber and Ogden rivers, for the term of five years, from the passage of this act: *Provided*, That the said Brown shall make and keep in good repair, the bridges that are now across said rivers, and make all necessary bridges on

said road that have not been provided for, and keep the same in order; also make and keep the road in good order, all to the acceptance of the road commissioner.

SEC. 2. The said Brown is hereby authorized to charge the following toll for traveling on any part of said road from the traveling community, to wit: Rates of toll.

For any carriage, wagon or cart drawn by two animals	-	-	\$3,00
For every addition of two animals	-	-	1,00
For every man and horse,	-	-	1,00
For every pack animal,	-	-	1,00
For every loose horse, mule, jack, ox, cow or bull,	25		
For every sheep, hog, calf, colt or goat,	-	-	12½
For every footman,	-	-	25

SEC. 3. Citizens that pay by the year shall not be charged more than one half of the above mentioned prices. Citizens half price.

SEC. 4. If any person shall refuse to pay the above mentioned prices, he shall be liable to be sued before any court having jurisdiction of the same, and be made to pay the same with cost of suit. Persons refusing to pay.

SEC. 5. If any person or persons shall erect any bridge or ferry, across said rivers in Weber county, and build any road, and charge travelers for crossing, or traveling the same, shall be fined in any sum not less than three thousand dollars, nor exceeding five thousand dollars; to be recovered before any court having jurisdiction of the same, to be paid into the hands of the treasurer of the Territory of Utah, for the people of said Territory. Persons erect a ferry or bridge. Penalty.

SEC. 6. The said Brown is required to make the road to the acceptance of the road commissioner by the fifteenth day of April next. Make road to acceptance of commissioner.

Approved March 2, 1852.

AN ACT GRANTING THE CONTROL OF CERTAIN TIMBER TO THE CITY COUNCIL OF OGDEN CITY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the City Council of Ogden City, shall have the privilege of legislating for the preservation of the timber lying between said City and the Great Salt Lake; also the timber in the Kanyons east of, and opening into said corporation, and upon Weber river from the Kanyon to its junction with the Ogden river: *Provided,* That the citizens of the Territory without the coporation, shall have the same privilege of said timber, as the citizens of said City.

City Council to legislate on certain timbers.

Proviso.

SEC. 2. This act shall be in force from and after its passage, and until superseded by the future legislation of the Legislative Assembly of the Territory.

Approved October 4, 1851.

AN ACT AUTHORIZING THOMAS MOOR TO ERECT A FERRY OR FERRIES ON GREEN RIV- ER.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That Thomas Moor have the right of erecting one or more ferries on Green river, for one year, at any point within Utah Territory, for the accommodation of travelers: *Provided* he pay ten per cent of all moneys collected on said ferry, to be paid into the Territorial treasury, for the benefit of the Territory of Utah, on or before the first day of October next ensuing; and that for all light carriages, buggies, or wagons, whose burthen is not over 2000 lbs., he shall charge not exceeding the sum of three dollars, \$3.00

Thomas Moor erect a ferry.

Pay 10 per cent.

For all wagons over 2000 lbs., and not exceeding 3000 lbs., he shall charge, not exceeding four dollars, 4.00

For all over 3000 lbs. and not exceeding 4000 lbs., he shall charge not exceeding five dollars, 5.00

For all wagons over 4000 lbs., he shall charge not
 exceeding six dollars, - - - 6,00
 And for each horse, mule, ox, cow, or other animal ferried
 over said river, twenty-five cents, - - - 25

SEC. 2. The said Moor before erecting a ferry as con-
 templated in the first section, shall give bond with approv-^{Said Moor to}
 ed security to the Treasurer of Utah, in the penal sum of give bonds.
 one thousand dollars, to be approved of by the Governor,
 for the faithful paying over the per centage as contempla-
 ted in the first section of this act. And the said Moor shall
 pay over the per centage on oath or affirmation.

SEC. 3. If any person shall erect any public ferry^{Other persons}
 across said river within Utah Territory, without permis-^{erect a ferry.}
 sion of the Legislature of the Territory of Utah, said
 person or persons shall pay the sum of one thousand dol-
 lars, to be collected for the use of the Territory of Utah.^{Penalty.}

SEC. 4. Nothing herein contained shall be so constru-
 ed, as to prohibit any one from ferrying themselves and^{Persons may}
 effects, across said river, or from fording the same when^{ferry them-}
 selves or ford.^{selves or ford.}
 practicable.

SEC. 5. In case the said Thomas Moor should neglect^{Gov. may ap-}
 or fail to establish the above named ferry or ferries, the^{point a man if}
 Governor is hereby authorized to appoint a man to fill his^{Moor fail.}
 place.

Approved Jan. 16, 1852.

AN ACT FOR A FERRY ACROSS BEAR RIVER.

SEC. 1. *Be it enacted by the Governor and Legislative As-*
sembly of the Territory of Utah, That Joseph Young, Da-
vid Fulmer, John Young and William Empey, have the^{Joseph Young}
right to establish a ferry or ferries across Bear river, for^{and others es-}
three years, during the ferrying seasons of each year from^{tablish a ferry.}
the passage of this act, at a place which will best subserve
the public interest, between the mouth of said river, and^{Ferry, where}
a point five miles east of the mouth of the kanyon.^{located.}

Young and others shall give bonds.

SEC. 2. Said Young and others, shall file their bond with the Secretary of the Territory, in the penal sum of one thousand dollars, payable to the people of the Territory of Utah, conditioned for the faithful paying over of the percentage hereinafter prescribed.

Pay 10 percent

SEC. 3. The said Young and others, shall pay ten per cent of all they receive as toll on said ferries, to the treasurer of the Territory, on oath or affirmation, on or before the first day of September; annually.

Rates of toll.

SEC. 4. Said Young and others, shall be allowed to charge toll at the following rates:

For a carriage or wagon drawn by two animals,	\$3.00
For a carriage or wagon drawn by four animals,	4.00
For a carriage or wagon drawn by six animals,	5.00
For a carriage or wagon drawn by eight animals,	6.00
For pack animals each,	- 50
And all other animals each,	- 25

Other persons establish a ferry.

SEC. 5. If any person or persons shall establish a ferry within the before prescribed limits, without a grant from the Governor and Legislative Assembly, he or they shall forfeit and pay to the people of the Territory of Utah, the sum of one thousand dollars, to be collected as in action of debt.

Penalty.

Persons may ferry themselves.

SEC. 6. Nothing in this act shall be so construed, as to prevent any person from ferrying themselves, with their effects.

If Young fail, Gov. may appoint others.

SEC. 7. In case said Young and others shall fail to establish said ferry or ferries across said river, according to the provisions of this act, the Governor may appoint some other person or persons, to establish the ferry as herein contemplated.

Young and others erect a bridge over Malad.

SEC. 8. The said Young and others are hereby required to erect a good and substantial bridge across the Malad, about two miles north of the ferry on Bear river, for three years, during the ferrying seasons thereof, and have the privilege of collecting toll on the same, the rates of which shall be one fourth for carriages and wagons of the rates charged on Bear river ferry, and twenty-five cents for pack animals, and ten cents for each additional animal.

Collect toll for 3 years.

Rates of toll.

SEC. 9. If any person or persons shall establish a ferry or bridge across the Malad, without the grant of the Governor or Legislative Assembly, he or they shall forfeit and pay to the people of the Territory of Utah, the sum of three hundred dollars, to be collected as in action of debt. ^{Any person erect a ferry or bridge.}

Approved Jan. 30, 1852.

AN ACT APPROPRIATING MONEYS FOR THE COMPLETION OF THE COTTONWOOD CANAL.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the Territorial road commissioner is hereby authorized and instructed to draw from the public treasury, any moneys not otherwise appropriated, to the amount of two thousand dollars, and proceed forthwith, to lay out the same for the completion of the Big Cottonwood Canal. ^{Road commissioner draw \$2000.}

SEC. 2. That the said Territorial road commissioner shall keep a correct account of all moneys received and paid out by him, and present a copy of the same to the Auditor of Public Accounts, as soon as said canal shall be completed, on or before the 1st day of November, A. D. 1852. ^{Commissioner keep account. Report to auditor.}

Approved Jan. 30, 1852.

AN ACT GRANTING THE CONTROL OF WATERS FROM MILL CREEK, IN GREAT SALT LAKE COUNTY, UNTO WILLARD RICHARDS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That Willard Richards have the exclusive right of taking the water out of the natural channel of Mill creek, at any convenient point below where the said waters are now used for irrigation or mill ^{Willard Richards have right to take out water.}

purposes, and of conveying the same across the higher lands in a more southerly direction, to western Jordan, there to discharge the same; or if the said Willard Richards think proper, he may continue the said waters in a northerly direction, down the east bank of said river, as far as he may consider them useful for irrigation or other purposes, and control the same.

Approved Feb. 3, 1852.

AN ACT GRANTING WATERS OF MILL CREEK UNTO PRESIDENT BRIGHAM YOUNG.

B. Young take
waters out of
Mill creek.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the privilege is hereby granted unto President Brigham Young, to take the waters from the channel of Mill creek immediately below Neff's mill, and convey the same to the channel of Big Canyon creek, agreeably to the provisions of the act passed in the General Assembly of the State of Deseret, Jan. 15, 1850.

Approved Feb. 5, 1852.

AN ACT FOR THE IMPROVEMENT OF BIG KAN- YON CREEK ROAD.

Road commis-
sioner to locate
road.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the Territorial road commissioner be, and is hereby authorized and required to locate a road from some convenient point on the east line of Great Salt Lake City, thence easterly up the Big Canyon Creek, thence over the second mountain, twenty miles east of Great Salt Lake City, and extending to the farther end of East Canyon.

Commissioner
let contracts.

SEC. 2. That said commissioner be, and is hereby authorized and required to grant contracts to individuals, or

companies, who shall be the lowest responsible bidders in said contracts, for the improvement of said road.

SEC. 3. That the said commissioner be, and is hereby ^{Toll gate.} authorized, and required to grant to the improvers of said road the privilege of erecting one toll gate for the purpose of collecting funds from all persons passing and repassing, to remunerate the improvers of said road, until they shall have collected one hundred per cent on all their expenditures which have been appropriated to said roads.

SEC. 4. That the rates of toll over said road shall be as follows, viz: Rates of toll.

For every load of wood, timber, coal, rock, or lime, drawn by two animals	\$0,25
For every such load drawn by four or more animals,	0,37½

FOR THE TRAVELING COMMUNITY.

For every wagon or carriage drawn by two animals, each	1,00
For every additional pair of animals to such wagon or carriage,	50
Loose animals, (excepting sheep and hogs,) each,	10

SEC. 5. Said road shall be made and kept in repair to the acceptance of the Territorial road commissioner.
Approved Feb. 16, 1852.

AN ACT IN RELATION TO THE WATERS OF AMERICAN CREEK IN UTAH COUNTY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the inhabitants of the settlement of Dry creek in Utah county are hereby ^{Water taken from American creek to Dry} authorized and allowed to take out at some convenient point, the waters of American creek, and use the same ^{creek.} for their benefit: *Provided,* That no more than one-third part of said waters shall be so taken for the use of said settlement on Dry creek.

Approved Feb. 18, 1852.

AN ACT FOR AN APPROPRIATION OF MONEY FOR THE WOOLEN FACTORY ON JORDAN RIVER.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the sum of two thousand dollars be, and is hereby appropriated out of any money in the public treasury, not otherwise appropriated, for the purpose of completing the Woolen Factory now in progress on Jordan river, near Gardner's mill.

SEC. 2. The Territorial commissioner is hereby authorized to issue orders and draw on the public treasury to the above named amount for the purpose of completing said factory.

SEC. 3. The Territorial commissioner is hereby authorized and required to secure and hold to the use and benefit of the Territory of Utah, said Woolen factory, and all appurtenances thereto, as the property of the Territory of Utah, and report his doings in relation to the same, subject to the order of the Legislative Assembly.

Approved Feb. 18, 1852.

AN ACT TO PROVIDE FOR THE BRIDGING OF CHICKEN CREEK IN JUAB COUNTY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the sum of one hundred dollars or as much thereof as may be necessary, is hereby appropriated out of the Territorial treasury for the purpose of building a bridge on the state road across Chicken creek in Juab county.

SEC. 2. The Probate Judge of Juab county is hereby authorized to employ some competent person to erect said bridge, and to draw orders on the Territorial treasury in payment for the same: *Provided,* That the bridge shall not cost the Territory more than the sum of one hundred dollars; and that a full report of the same be made to the

Auditor of Public Accounts, on or before the first day of November. A. D. one thousand eight hundred and fifty-two.

Approved March 3, 1852.

AN ACT CREATING THE OFFICE OF CODE COMMISSIONERS AND PRESCRIBING THEIR DUTIES.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the office of Code ^{Office of Code commissioner created.} Commissioners be, and the same is hereby created, to consist of three members, whose term of office shall continue ^{Term of office.} three years, and until their successors are duly appointed and qualified.

SEC. 2. The Governor shall nominate, and, by and with ^{How appointed} the advice and consent of the Council, appoint said Commissioners; one for one year, one for two years, and one for three years; and thereafter, one shall be thus appointed each year. In the event of a vacancy in said Code Com- ^{Case of vacan-} missioners, by death, resignation, removal from the Territory, or otherwise, during the recess of the Legislative Assembly, the Governor alone shall fill the same by appointment. But if the Council at its next session, shall disapprove of such appointment, the same shall cease, and terminate from and after such disapproval.

SEC. 3. In the event that the Governor shall ^{When council may elect.} neglect or refuse to nominate a person to fill such vacancy, or such office, then the Council shall elect by ballot, some suitable person to fill such vacancy or office.

SEC. 4. Such Commissioners, before they enter on their duties shall take an oath or affirmation, to support the Constitution of the United States, and to faithfully discharge their duties.

SEC. 5. It shall be the duty of said Code Commis- ^{Duty of code commissioners} sioners to arrange, adjust, and form a code of practice for

the courts of Law and Chancery, and the Probate Courts, and Justices of the Peace; to arrange, adjust, and form a criminal code: a law regulating *dower, descent, and distribution*: a law regulating the sale, or incumbrance of real estate; and a law for the settlement of estates of deceased persons; and such other laws of a general nature as from time to time may be necessary or proper.

Gov. and other officers shall give information.

SEC. 6. It shall be the duty of the Governor, the Secretary of the Territory, the Judges of the courts, the general officers of the Militia, and all salaried or Territorial officers, to give said Commissioners information, *in writing*, on any subject pertaining to their respective offices, whenever required in relation to their duties.

May provide necessaries and clerks.

Compensation.

SEC. 7. Said Code Commissioners shall have power to provide all necessary stationery, fuel and rooms, for their use, and such clerks as may be necessary; not exceeding two, and shall be allowed for their services, the same compensation and mileage as are allowed to members of the Legislative Assembly.

Shall keep a journal.

Shall report to Gov. and Legislative Assembly.

SEC. 8. Said Code Commissioners shall keep a Journal of their proceedings, and cause to be made, two copies of the laws by them proposed; one for the use of the house, and one for the use of the council, and as many of the proposed laws as can be prepared, shall be reported to the Governor, during the present session; and thereafter, they shall report on or before the first days of April and November respectively in each year, or at the call of the Governor, who shall report the same to the Legislative Assembly for their enactment or disapproval, with such recommendations as he may think best.

Approved Jan. 16, 1852.

AN ACT FOR THE ELECTION OF PROBATE JUDGES.

Names of Probate Judges.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, in joint session assembled.* That we do hereby elect the following persons for Judges

of Probate in the several counties for the Territory of Utah, viz: for Weber county, Isaac Clark; for Davis county, Joseph Holbrook; for Great Salt Lake county, Elias Smith; for Utah county, Preston Thomas; for Tooele county, Alfred Lee; for Juab county, George Bradley; for San Pete county, George Peacock; for Millard county, Anson Call; and for Iron county, Chapman Duncan. ^{Term of office.} The same are hereby elected for the term of four years, unless sooner removed by legislative enactment, or by removal from the county, or by death.

SEC. 2. In case of any vacancy occurring by removal, death or otherwise, of one or more of the above mentioned Judges, the Governor is hereby empowered to fill such vacancy, until the next sitting of the Legislature. ^{Case of vacancy.}

Approved Feb. 7, 1852.

AN ACT TO REPEAL THE ELEVENTH SECTION OF AN ORDINANCE ENTITLED "AN ORDINANCE INCORPORATING THE UNIVERSITY OF THE STATE OF DESERET," PASSED BY THE GENERAL ASSEMBLY OF DESERET FEB. 28, 1850.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That, the 11th section of "An Ordinance incorporating the University of the State of Deseret," appropriating five thousand dollars annually for the use of said University, shall be, and is hereby repealed.

Approved March 6, 1852.

AN ACT TO AMEND CERTAIN SECTIONS IN GREAT SALT LAKE, OGDEN, MANTI, PROVO, AND PAROWAN CITY CHARTERS.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That the word "April,"

in the 5th section of the above named charters be stricken out, and the word *March* be inserted in its stead.

SEC. 2. That the word "eight," in the 35th section be erased and the word *three* be inserted in its stead.

SEC. 3. That the word "shall" in the 39th section of the above named charters be stricken out, and the word *may* be inserted in its stead.

Approved March 6, 1852.

AN ACT TO INCORPORATE CEDAR CITY, IN IRON COUNTY, UTAH TERRITORY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That all that district of Iron county, embraced in the following boundaries, to wit: beginning at the mouth of Coal creek kanyon, thence north three miles, thence west six miles, thence south six miles, thence east six miles, thence north three miles to place of beginning; shall be known and designated under the name and style of Cedar City; and the inhabitants thereof, are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city; for burying grounds, or other public purposes, for the inhabitants of said city; to sell, lease, or dispose of property, real and personal, for the benefit of said city; to improve, protect such property, and to do all other things in relation thereto, as natural persons.

SEC. 3. There shall be a City Council, to consist of a

Mayor, four Aldermen, and nine Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Term of office:

Majority form a quorum.

Give bonds.

SEC. 4. The Mayor, Alderman, and Councillors before entering on the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices, to the best of their skill and abilities.

SEC. 5. On the second Monday of March next, and every two years thereafter, on said day, an election shall be held for the electing of one Mayor, four Aldermen, and nine Councillors; and at the first election under this ordinance, three Judges shall be chosen, viva voce, by the electors present. The said Judges shall choose two clerks; and the Judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by Judges and clerks of other elections; and at all subsequent elections, the necessary number of Judges and clerks shall be appointed by the City Council. At the first election so held, the polls shall be opened at nine o'clock, A. M., and closed at six o'clock, P. M. At the close of the polls the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified, shall within ten days after the election, take the oath or affirmation hereinbefore mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

Times of elections.

First election.

Judges and clerks of elections appointed by city council.

Duty of clerks

Qualification
of voters.

SEC. 6. All free white male inhabitants who are the age of twenty-one years, who are entitled to vote for Territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

Power of city
council.

SEC. 7. The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent, per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States and the laws of this Territory.

City council
have power to
appoint officers.

SEC. 8. The City Council shall have power to appoint Recorder, Treasurer, Assessor and Collector, Marshal and Supervisors of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all city officers, and remove them from office at pleasure.

Shall require
officers to give
bonds.

SEC. 9. The City Council shall have power to require of all officers, appointed in pursuance of this act bonds with penalty and security, for the faithful performance of their respective duties; such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Council have
power to pass
ordinances.

SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein, from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct

Power to fill
all vacancies.

therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of Aldermen and Councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

To divide the city into wards.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: *Further powers* *Provided,* That no sum or sums of money be borrowed on a greater interest than six per cent, per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within this corporation. *Proviso.*

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same. *Prevent disease*

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city. *Debts of city.*

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same. *Hospitals.*

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants. *Water the city*

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges. *Repair the streets.*

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses; establish markets and market places, and provide for the government and regulations thereof. *Lighting the streets. Night watches.*

SEC. 18. To provide for erecting all needful buildings

Public grounds for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

Taxing power. SEC. 19. To license, tax, and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries, hawkers, pedlers, brokers, pawn-brokers, and money changers.

SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayings of property, as also to licence and regulate porters, and fix the rates of portorage.

SEC. 21. To licence, tax, and regulate theatricals, and other exhibitions, shows, and amusements.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 24. To regulate the storage of gun-powder, tar, pitch, rosin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences,

SEC. 26. To establish standard weights and measures, and regulate the weights and measures, to be used in the city, in all other cases not provided for by law.

SEC. 27. To provide for the inspection and measuring of lumber, and other building materials; and for the measurement of all kinds of mechanical work.

SEC. 28. To provide for the inspection and weighing of hay, lime, stone coal, and measuring of charcoal, fire wood and other fuel, to be sold or used within the city.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and

whisky, brandy, and all other spirituous and fermented liquors.

SEC. 30. To regulate the weight, quality, and price of bread, sold and used in the city.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered, under this or any city ordinance.

SEC. 33. The City Council shall have exclusive power within the city by ordinance, to license, regulate, suppress, ^{Other powers.} or restrain billiard tables, and from one to twenty pin-alleys; and of every other description of gaming or gambling.

SEC. 34. The City Council shall have exclusive power ^{City police.} within the city by ordinance, to regulate the police of the city, to impose fines, forfeitures, and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such <sup>Enforce the col-
lection of fines.</sup> penalties, and to pass such ordinances as may be necessary and proper to carry into effect and execution, the powers specified in this act: *Provided*, That such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory.

SEC. 35. All ordinances passed by the City Council, <sup>Publishing city
ordinances.</sup> shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof, be posted up in three of the most public places in the city.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book, <sup>Ordinances,
how proven.</sup> or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence, in all courts, or places without further proof.

SEC. 37. The Mayor and Aldermen shall be conservators of the peace within the limits of the city, and shall <sup>Mayor and al-
dermen shall
have power of</sup> have all the powers of Justices of the Peace therein, both

Justices of the peace. in civil and criminal cases, arising under the laws of the Territory. They shall, as Justices of the Peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other Justices of the Peace, and be commissioned as Justices of the Peace, in and for said city by the Governor.

Jurisdiction of the mayor. **SEC. 38.** The Mayor and Aldermen shall have jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect.

Appeals, how taken. Appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the ordinances of said city, to the Municipal Court under such regulations as may be prescribed by ordinance, which court shall be composed by the Mayor, as Chief Justice, and the Aldermen, as associate Justices; and from the final judgment of the Municipal Court, to the Probate Court of Iron county, in the same manner as appeals are taken from Justices of the Peace, provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of Habeas Corpus, and try the same in all cases arising under the ordinances of the City Council.

City council & municipal court meeting of. **SEC. 39.** The Municipal Court may sit on the first Monday of every month, and the City Council at such times and places as may be prescribed by city ordinance. Special meetings of which may at any time be called by the Mayor or any two Aldermen.

Duty of marshal. **SEC. 40.** All process issued by the Mayor, Aldermen or Municipal Court, shall be directed to the Marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of recorder. **SEC. 41.** It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity; which record, shall at all times be open to

the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

SEC. 42. When it shall be necessary to take private property, for opening, widening, or altering any public street, lane, avenue, or alleys, the corporation shall make ^{Private property for public purposes.} a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

SEC. 43. All jurors empannelled to enquire into the ^{Duty of Jurors} amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

SEC. 44. In case the Mayor shall, at any time, be guilty of any palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, misconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the Probate Court of Iron county, and on conviction, he shall be liable to fine and imprisonment, and the court shall have power on the recommendation of the jury, to add to the judgment of the court that he be removed from office. ^{Mayor, how to be tried.}

SEC. 45. The City Council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling ^{Power of council in criminal cases.} them to labor on the streets, or other public works, until the same shall be fully paid, in all cases where such offender or vagrants shall fail, or refuse to pay the fines and forfeitures which may be recovered against them.

SEC. 46. The inhabitants of Cedar City shall, from ^{City exempt from road taxes} and after the next ensuing two years, from the first Monday in March next, be exempt from working on any road or roads beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by and under the direction of the supervisor of streets, within the limits of the city.

SEC. 47. This act is hereby declared to be a public act, and shall be in force from and after its passage.

Approved Feb. 10, 1852.

AN ACT TO INCORPORATE THE CITY OF LEHI.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That all that portion of the country lying on Dry Creek, in Utah county, bounded as follows, to wit: commencing at the Utah lake, direct south of the south-east corner of the plat of Evansville, running direct to said corner; from thence north three miles; from thence west to the river Jordan; from thence up the river Jordan to the outlet of the lake; from thence up the lake to the place of beginning, is hereby incorporated into a city, which shall be called "the city of Lehi," and the inhabitants thereof, are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve, and protect such property, and to do all other things in relation thereto, as natural persons.

SEC. 3. There shall be a City Council, to consist of a Mayor, four Aldermen, and nine Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections, and returns of their own

members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 4. The Mayor, Alderman, and Councillors before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices, to the best of their skill and abilities. Give bonds.

SEC. 5. On the first Monday of March next, and every two years thereafter, on said day, an election shall be held for the election of one Mayor, four Aldermen, and nine Councilors; and at the first election under this act, three Judges shall be chosen, viva voce, by the electors present. Times of elections. The said Judges shall choose two clerks; and the Judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by Judges and clerks of other elections; and at all subsequent elections, the necessary number of Judges and clerks shall be appointed by the City Council. First election. At the first election so held, the polls shall be opened at nine o'clock, A. M., and closed at six o'clock, P. M. Judges and clerks of elections appointed by city council. At the close of the polls the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified, shall within ten days after the election, take the oath or affirmation hereinbefore mentioned. Duty of clerks A certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

SEC. 6. All free white male inhabitants who are of the age of twenty-one years, who are entitled to vote for Territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers. Qualification of voters.

Power of city
council.

SEC. 7. The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent, per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

City council
have power to
appoint officers.

SEC. 8. The City Council shall have power to appoint a Recorder, Treasurer, Assessor and Collector, Marshal and Supervisors of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all city officers, and remove them from office at pleasure.

Shall require
officers to give
bonds.

SEC. 9. The City Council shall have power to require of all officers, appointed in pursuance of this act bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Council have
power to pass
ordinances.

SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein, from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of Aldermen and Councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Power to fill
all vacancies.

To divide the
city into wards.

SEC. 11. To establish, support, and regulate common

schools; to borrow money on the credit of the city: *Pro-*Further powers
vided, That no sum or sums of money be borrowed on a greater interest than six per cent, per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within this corporation. *Proviso.*

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same. *Prevent disease*

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city. *Debts of city.*

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same. *Hospitals.*

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants. *Water the city*

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges. *Repair the streets.*

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses; establish markets and market places, and to provide for the government and regulations thereof. *Lighting the streets. Night watches.*

SEC. 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city. *Public grounds*

SEC. 19. To license, tax, and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, pedlers, brokers, pawn-brokers, and money changers. *Taxing power.*

Tax hacking. SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property, as also to license and regulate porters, and fix the rates of portorage.

Theatres. SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements.

Tippling houses. SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

Extinguish fires. SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences.

Weights and measures. SEC. 26. To establish standard weights and measures, and regulate the weights and measures, to be used in the city, in all other cases not provided for by law.

Measuring of lumber. SEC. 27. To provide for the inspection and measuring of lumber, and other building materials; and for the measurement of all kinds of mechanical work.

Weighing hay SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal, and measuring of charcoal, fire wood and other fuel, to be sold or used with in the city.

Inspection of tobacco. SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and other spirituous or fermented liquors.

As to bread. SEC. 30. To regulate the weight, quality, and price of bread, sold and used in the city.

Census. SEC. 31. To provide for taking the enumeration of the inhabitants of the city.

SEC. 32. To fix the compensation of all city officers, ^{Regulate fees,} and regulate the fees of jurors, witnesses, and others, for services rendered, under this or any city ordinance.

SEC. 33. The City Council shall have exclusive power ^{Gaming.} within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin-alleys, and every other description of gaming or gambling.

SEC. 34. The City Council shall have exclusive power ^{Ferries and} within the city by ordinance, to license, regulate, or res- ^{bridges.} train the keeping of ferries, and toll bridges; to regulate the police of the city; to impose fines, forfeitures, and penalties, for the breach of any ordinance; and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances ^{Enforce penal} as may be necessary and proper for carrying into effect ^{ties.} and execution, the powers specified in this act: *Provided*, such ordinances are not repugnant to the Constitution of the United States, or of the laws of this Territory.

SEC. 35. All ordinances passed by the City Council, ^{Ordinances to} shall, within one month after they shall have been passed, ^{be published.} be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

SEC. 36. All ordinances of the city may be proven by ^{Ordinances,} the seal of the corporation; and when printed or publish- ^{how proven.} ed in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof.

SEC. 37. The Mayor and Aldermen shall be conser- ^{Mayor and Al-} vators of the peace within the limits of the city, and shall ^{dermen, pow-} have all the powers of Justices of the Peace therein, both ^{era.} in civil and criminal cases arising under the laws of the Territory. They shall, as Justices of the Peace, within the limits of said city, perform the same duties; be governed by the same laws; give the same bonds and securities as other Justices of the Peace, and be commissioned ^{Commissioned} as other Justices of the Peace, in and for said city, by ^{by the Gov.} the Governor.

Mayor and al-
dermen, juris-
diction of.

Sec. 38. The Mayor and Aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the ordinances of said city, to the Municipal Court, under such regulations as may be prescribed by ordinance, which court shall be composed of the Mayor as Chief Justice, and the Aldermen as Associate Justices; and from the final judgment of the Municipal Court, to the Probate Court of Utah county, in the same manner as appeals are taken from Justices of the Peace: *Provided*, The parties litigant shall have a right to a trial by jury of twelve men, in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of Habeas Corpus, and try the same in all cases arising under the ordinances of the City Council.

Appeals, how
taken

Municipal court
and council,
meeting of

Sec. 39. The Municipal Court may sit on the first Monday of every month, and the City Council, at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the Mayor or any two Aldermen.

Process directed to marshal.

Sec. 40. All process issued by the Mayor, Aldermen, or Municipal Court, shall be directed to the Marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of Constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of recorder.

Sec. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

When private
property is tak-
en.

Sec. 42. When it shall be necessary to take private property for opening, widening, or altering any public

street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

SEC. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror. Duty of Jurors.

SEC. 44. In case the Mayor shall, at any time, be guilty to a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the Probate Court of Utah county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on the recommendation of the jury to add to the judgment of the court, that he be removed from office. Mayor, how tried.

SEC. 45. The City Council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be recovered against them. Punishment of vagrants.

SEC. 46. The inhabitants of Lehi city shall, from and after the next ensuing two years, from the first Monday of April next be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city. Inhabitants of city exempt from working on roads out of the city.

SEC. 47. The Mayor, Aldermen, and Councilors of said city shall, in the first instance, be appointed by the Governor and Legislature of said Territory of Utah, and shall hold their office until superseded by the first election. Mayor and aldermen be appointed by the Gov.

Sec. 48. This act is hereby declared to be a public act, and shall be in force from and after its passage.

Approved Feb. 5, 1852.

AN ACT TO INCORPORATE FILLMORE CITY IN MILLARD COUNTY.

Sec. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That all that district of **Boundaries of** Millard county embraced in the following boundaries, to **corporation.** wit: beginning at a point due east of the south east corner of the public square now surveyed, three miles; thence south three miles; thence west six miles; thence north six miles; thence east six miles; and thence south three miles to the place of beginning, shall be known and designated under the name and style of Fillmore City, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall **Body corporate** have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. **Seal.**

Sec. 2. The inhabitants of said city by the name and **City powers.** style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city for burying grounds, or other public purposes, for the inhabitants of said city; to sell, lease, convey, or dispose of property real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Sec. 3. There shall be a City Council to consist of a Mayor, four Aldermen, and nine Councilors, who shall **City council.** have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their **Term of office.** offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of

the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance. ^{Majority form a quorum.}

SEC. 4. The Mayor, Aldermen, and Councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and the laws of this Territory; and that they will well and truly perform the duties of their offices to the best of their skill and abilities. ^{Oath of office.}

SEC. 5. On the second Monday of March next, and every two years thereafter, on said day, an election shall be held for the election of one Mayor, four Aldermen, and nine Councilors, and at the first election under this act, three Judges shall be chosen viva voce, by the electors present. The said Judges shall choose two clerks, and the Judges and clerks before entering upon their duties, shall take and subscribe an oath or affirmation such as is now required by law to be taken by Judges and clerks of other elections; and at all subsequent elections, the necessary number of Judges and clerks shall be appointed by the City Council. At the first election so held, the polls shall be opened at nine o'clock A. M., and closed at six o'clock P. M. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held, and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall, within ten days after the election, take the oath or affirmation herein before mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council. ^{Elections, how held.} ^{Judges and clerks of elections, how chosen.} ^{Duty of clerks.}

SEC. 6. All free white male inhabitants who are of the age of twenty-one years, who are entitled to vote for Territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers. ^{Who shall vote}

Power of council
as to taxes.

SEC. 7. The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent, per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance not repugnant to the Constitution of the United States, or the laws of this Territory.

Recorder, treasurer,
assessor and collector
appointed.

SEC. 8. The City Council shall have power to appoint a recorder, treasurer, assessor and collector, marshal, and supervisors of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary; define the duties of all city officers, and remove them from office at pleasure.

Council require
officers to give
bonds.

SEC. 9. The City Council shall have power to require of all officers appointed in pursuance of this act, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient; and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Power of council
as to making
ordinances.

SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city;—for the protection of property therein, from destruction by fire or otherwise; and for the health and happiness thereof. They

Fill vacancies

shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of Aldermen and Councilors, and apportion them among the several wards, as may be just, and most conducive to the interests of the city.

Divide city in
to wards.

As to schools.

SEC. 11. To establish, support, and regulate common

schools; to borrow money on the credit of the city; *Pro-Provide.*
vided, That no sum or sums of money be borrowed on a greater interest than six per cent. per annum,—nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue arising from taxes assessed on real estate within this corporation.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same. *To prevent disease.*

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city. *Pay city debts.*

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same. *Hospitals.*

SEC. 15. To provide the city with water, to dig wells, lay pump logs, and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants. *Water the city.*

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve, and keep in repair, streets, avenues, lanes, and alleys; and to establish, erect, and keep in repair aqueducts and bridges. *Streets and alleys.*

SEC. 17. To provide for the lighting of the streets, and erecting lamp-posts; and establish, support, and regulate night watches; to erect market-houses, establish markets and market places, and provide for the government and regulations thereof. *Lamp posts, night watches, market houses.*

SEC. 18. To provide for erecting all needful buildings for the use of the city; and for enclosing, improving, and regulating all public grounds belonging to the city. *To erect buildings, public grounds.*

SEC. 19. To license, tax, and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, pedlers, brokers, pawn-brokers, and money changers. *Auctioneers.*

- Hacking.** **SEC. 20.** To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage, and drayage of property; as also to license and regulate porters, and fix the rates of portorage.
- Theatres.** **SEC. 21.** To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements.
- Tippling houses.** **SEC. 22.** To tax, restrain, prohibit, and suppress tippling-houses, dram-shops, gaming houses, bawdy and other disorderly houses.
- Extinguishing fires.** **SEC. 23** To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.
- SEC. 24.** To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.
- SEC. 25.** To regulate and order parapet walls, and other partition fences.
- Weights and measures.** **SEC. 26.** To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law.
- Measuring of lumber.** **SEC. 27.** To provide for the inspection and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.
- Weighing hay.** **SEC. 28.** To provide for the inspection and weighing of hay, lime, and stone coal, and measuring of charcoal, fire-wood and other fuel, to be sold or used within the city.
- Inspection of tobacco.** **SEC. 29.** To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whiskey, brandy, and all other spirituous and fermented liquors.
- As to bread.** **SEC. 30.** To regulate the weight, quality, and price of bread, sold and used in the city.
- Census.** **SEC. 31.** To provide for taking the enumeration of the inhabitants of the city.

SEC. 32. To fix the compensation of all city officers, ^{Regulate fees,} and regulate the fees of jurors, witnesses, and others, for services rendered; under this or any city ordinance.

SEC. 33. The City Council shall have exclusive power ^{Gaming.} within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin-alleys, and every other description of gaming or gambling.

SEC. 34. The City Council shall have exclusive power ^{City police.} within the city by ordinance, to regulate the police of the city, to impose fines, forfeitures, and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such ^{Enforce the collection of fines} penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution, the powers specified in this act: *Provided,* That such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory.

SEC. 35. All ordinances passed by the City Council, ^{Ordinances to be published.} shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

SEC. 36. All ordinances of the city may be proven by ^{Ordinances, how proven.} the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof.

SEC. 37. The Mayor and Aldermen shall be conservators of the peace within the limits of the city, and shall ^{Mayor and Aldermen, powers.} have all the powers of Justices of the Peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as Justices of the Peace, within the limits of said city, perform the same duties; be governed by the same laws; give the same bonds and securities as other Justices of the Peace, and be commissioned ^{Commissioned by the Gov} as Justices of the Peace, in and for said city, by the Governor.

Mayor and al-
dermen, juris-
diction of.

Sec. 38. The Mayor and Aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the ordinances of said city, to the Municipal Court, under such regulations as may be prescribed by ordinance, which court shall be composed of the Mayor as Chief Justice, and the Aldermen as Associate Justices; and from the final judgment of the Municipal Court, to the Probate Court of Millard county, in the same manner as appeals are taken from Justices of the Peace: *Provided*, The parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of Habeas Corpus, and try the same in all cases arising under the ordinances of the City Council.

Appeals, how
taken

Municipal court
and council,
meeting of.

Sec. 39. The Municipal Court may sit on the first Monday of every month, and the City Council, at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the Mayor or any two Aldermen.

Process direc-
ted to marshal.

Sec. 40. All process issued by the Mayor, Aldermen, or Municipal Court, shall be directed to the Marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of Constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of record-
er.

Sec. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

When private
property is ta-
ken.

Sec. 42. When it shall be necessary to take private property for opening, widening, or altering any public

street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

SEC. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the ^{Duty of Jurors.} owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

SEC. 44. In case the Mayor shall, at any time, be ^{Mayor, how} guilty of any palpable omission of duty, or shall wilfully ^{tried.} or corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the Probate Court of Millard county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on the recommendation of the jury to add to the judgment of the court, that he be removed from office.

SEC. 45. The City Council shall have power to provide for the punishment of offenders and vagrants, by ^{Punishment of} imprisonment in the county or city jail, or by compelling ^{vagrants.} them to labor on the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

SEC. 46. The inhabitants of Fillmore city shall, from and after the next ensuing two years, from the first ^{Inhabitants of} Monday in March next be exempt from working on any road or ^{city exempt} roads, beyond the limits of said city. But all taxes ^{from working} devoted to road purposes, shall, from and after said term of ^{on roads out of} two years, be collected and expended by, and under the ^{the city.} direction of the supervisor of streets, within the limits of the city.

SEC. 47. This act is hereby declared to be a public act, and shall be in force from and after its passage.

Approved Feb. 13, 1852.

AN ACT INCORPORATING NEPHI CITY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,* That all that portion of country situate within the following boundaries, to wit: commencing at the south east corner of the plot of Nephi city in the county of Juab, in said Territory, and running thence west two miles; thence north four miles; thence east to the base of the mountain; thence southerly along the mouth of the kanyon, and base of the mountain to a point opposite to the place of beginning; thence west to the place of beginning, shall be known and designated as Nephi city; and is hereby incorporated under the name and style aforesaid; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve, and protect such property, and do all other things in relation thereto, as natural persons.

SEC. 3. There shall be a City Council, to consist of a Mayor, four Aldermen, and nine Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as shall be prescribed by ordinance.

SEC. 4. The Mayor, Aldermen, and Councilors be

fore entering on the duties of their offices, shall take and ^{Give bonds.} subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

SEC. 5. On the first Monday of May next, and every two years thereafter, on said day, an election shall ^{Times of elections.} be held for the election of one Mayor, four Aldermen, and nine Councilors; and at the first election under this act, three Judges shall be chosen, viva voce, by the ^{First election:} electors present. The said Judges shall choose two clerks; and the Judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by Judges and clerks of other elections; and at all subsequent elections, the necessary number of Judges and clerks shall be appointed ^{Judges and clerks of elections appointed by city council.} by the City Council. At the first election so held, the polls shall be opened at nine o'clock, A. M., and closed at six o'clock, P. M. At the close of the polls the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each ^{Duty of clerks} person so notified, shall within ten days after the election, take the oath or affirmation hereinbefore mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

SEC. 6. All free white male inhabitants who are of the age of twenty-one years, who are entitled to vote for Territorial officers, and who shall have been actual residents ^{Qualification of voters.} of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

SEC. 7. The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding the half of one per cent, per annum, upon the as- ^{Power of city council.}

assed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

City council
have power to
appoint officers.

SEC. 8. The City Council shall have power to appoint all such officers as may be necessary to carry into effect their legal enactments, define their duties, and remove them at pleasure.

Shall require
officers to give
bonds.

SEC. 9. The City Council shall have power to require bonds as they shall deem necessary, of all officers appointed by them, and require an oath or affirmation for the faithful discharge of the duties assigned them.

Council have
power to pass
ordinances.

Power to fill
all vacancies.

To divide the
city into wards.

SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, and grant such licenses not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the welfare of the inhabitants of said city, and for the protection of their property. They shall have power to fill all vacancies that may occur by death, or otherwise; to fix and establish all the fees of the officers of said corporation, not herein established; regulate the fees of witnesses and jurors, and all other services; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of Aldermen and Councilors, and apportion them among the several wards.

Publishing city
ordinances.

SEC. 11. All ordinances passed by the City Council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof, be posted up in eight of the most public places in the city.

Powers of Mayor
and aldermen.

SEC. 12. The Mayor and Aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of Justices of the Peace, perform the same duties, be governed by the same laws, and be commissioned in the same manner as other Justices of the Peace, within this Territory.

SEC. 13. The Mayor and Aldermen shall have exclu-

sive jurisdiction in all cases, arising under the ordinances of this corporation, and shall issue such process as may be necessary to carry said ordinances into effect. Appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the ordinances of said city, to the Municipal Court under such regulations as may be prescribed by ordinance, which court shall be composed by the Mayor, as Chief Justice, and the Aldermen, as associate Justices; and from the final judgment of the Municipal Court, to the Probate Court in the county of Juab, in the same manner as appeals are taken from Justices of the Peace, provided the parties litigant shall have the right to a trial by a jury of twelve men, in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of Habeas Corpus, and try the same in all cases arising under the ordinances of the City Council.

Jurisdiction of the mayor.
Appeals, how taken.

SEC. 14. The Municipal Court shall sit at such times and places as shall be prescribed by the City Council, who shall sit when they think proper, and make their own adjournments. Special meetings of which may at any time be called by the Mayor, or any two Aldermen.

City council & municipal court meeting of.

SEC. 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity; which record, shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

Duty of recorder.

Approved March 6, 1852.

JOINT RESOLUTIONS PERTAINING TO THE SECRETARY OF UTAH TERRITORY.

Whereas, the Hon. B. D. Harris Secretary of the Territory of Utah, being about to leave, absent himself, or abscond from said Territory, and intends, as we are authentically and credibly informed, to convey away or otherwise dispose of the Territorial seal, records, papers, documents, and property in his possession, and pertaining to his office, contrary to the Organic Act, which provides (sec. 3.) that said Secretary shall reside in said Territory; and

Whereas, It is believed that said Secretary has in his possession, the money appropriated by the Act of Congress, approved Feb. 27, 1851, amounting to \$24,000, designed by Congress as compensation and mileage of members of the Legislative Assembly, and other expenses of said Territory of Utah. See Statutes at large, page 571, 31st Congress, 2nd session; and

Whereas, It is believed that said Secretary should not be permitted thus to leave said Territory with so large an amount of government funds, and without having authority which we apprehend no where exists, thereby seriously inconveniencing not only this Territory, but incurring the loss of said funds to the general government; Therefore,

Resolved, by the Legislative Council and House of Representatives in joint session assembled, that it shall be the duty of the United States Marshal for said Territory, to proceed forthwith, and take into his custody, all such papers, records, documents and property of every kind pertaining to said office of Secretary, as also all money in his possession belonging to said Territory, and pertaining to said office, or entrusted by the general government, for the benefit of this Territory, in his hands; together with the seal and press of the Territory of Utah, and safely keep and preserve the same for the time being, until the vacancy thus occasioned in said office, shall be filled by appointment, by the President of the United States, or the disabilities otherwise cease to exist.

U. S. Marshal
to take papers
&c., in possession
of secretary
which pertain
to his office

And be it further resolved, That in case the said B. D. Harris, Secretary aforesaid, shall refuse, neglect, or oth-

erwise fail to deliver the said papers, records, seal, press, documents, or money or any other property or articles pertaining to said office, or any part thereof, then, and in that case, it shall be the duty of the said United States Marshal for Utah Territory, to arrest the said B. D. Harris, Secretary aforesaid, and him safely keep in custody, until he shall comply with the foregoing resolutions. If secretary refuse to comply, the marshal shall arrest and keep him.

Approved Sept. 24, 1851.

JOINT RESOLUTION LEGALIZING THE LAWS OF THE PROVISIONAL GOVERNMENT OF THE STATE OF DESERET.

Resolved, by the Legislative Assembly of the Territory of Utah, That the laws heretofore passed by the provisional government of the state of Deseret, and which do not conflict with the "Organic Act," of said Territory, be, and the same are hereby declared to be legal, and in full force and virtue, and shall so remain until superseded by the action of the Legislative Assembly of the Territory of Utah. Deseret laws legalized.

Approved Oct. 4, 1851.

JOINT RESOLUTIONS FOR THE ENCOURAGEMENT OF HOME MANUFACTURES.

Resolved, by the Governor and Legislative Assembly of the Territory of Utah, in joint session assembled, That a select committee of three be appointed to act under the direction of His Excellency the Governor, in awarding premiums to such persons as shall produce the greatest quantity of manufactured articles of good quality; having reference to those articles most needed, and of common use. Committee to award premiums.

Resolved, That the sum of one thousand dollars be, and

Appropriation
for premiums

the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated to be paid in premiums, for the promotion of domestic manufactures under the direction of the Governor and committee aforesaid.

Repeal of some
renewed laws.

Resolved, That so much of the revenue laws passed exempting certain articles of merchandize from taxation, be, and the same is hereby repealed.

Certain articles
received for
taxes.

Resolved; That articles of domestic manufacture be received from the manufacturer in payment of taxes at a fair and minimum price to be fixed by the Assessor and Collector.

To encourage
Home manu-
factures.

Resolved, That we pledge ourselves most unequivocally, to use our influence by all the legitimate means within our power to promote home manufactures; and as a means to promote this end, that we rely solely upon our exertions, ingenuity and enterprize, industry, economy and resources, for every indispensable article that can be manufactured.

Circular.

Resolved, That we recommend to all the people of the Territory of Utah, to assist us in carrying into effect, the preceding resolutions; and that a circular be addressed to them on this subject.

Approved January 17, 1852.

JOINT RESOLUTIONS, LOCATING THE SEAT OF GOVERNMENT FOR THE TERRITORY OF UTAH IN PAUVAN VALLEY.

Seat of govern-
ment located
in Pauvan val-
ley.

Resolved by the Legislative Assembly of the Territory of Utah That the seat of Government for said Territory, be, and the same is hereby located in Pauvan valley in said Territory.

Gov. appoints
committee to
locate the seat
of government.

Resolved, That the Governor of this Territory is hereby authorized to appoint a committee, of not less than two, nor more than five, to select a site in said valley for the seat of government; and locate the same; and further

provide for the immediate erection of such public buildings at said location as shall be necessary for the purpose of convening the Legislative Assembly, and other purposes pertaining to the Government of said Territory, so far as the appropriation of twenty thousand dollars by the government of the United States, for the purpose of erecting suitable public buildings in said Territory, will justify.

Approved October 4, 1851.

A RESOLUTION, CREATING THE OFFICE OF SUPERINTENDENT OF COMMON SCHOOLS.

Resolved, by the Governor and Legislative Assembly of the Territory of Utah, That the Chancellor and board of Regents of the University of Deseret, are hereby authorized to appoint a Superintendent of Primary Schools, for the Territory of Utah, under their supervision and discretionary control, and award such a salary to him at the expense of the Territory for his services, as they may deem expedient: *Provided however,* That the salary of said Superintendent shall not exceed the sum of one thousand dollars per annum. Chancellor and regents appoint superintendent of common schools.

Salary.

Approved Oct. 4, 1851.

JOINT RESOLUTIONS, IN RELATION TO THE UTAH LIBRARY.

Whereas, Through the munificence of the United States Government, and the liberality of private individuals from various parts of the United States, a valuable library of choice books and papers have now arrived in boxes in this city, which require immediate attention, both for safe keeping and for becoming available to the people, according to the original purpose of the government; therefore,

Resolved, by the Governor and Legislative Assembly of the Territory of Utah, That the committee on Library is hereby Committee on library procure

rooms for the
books, &c.

by authorized to procure a convenient room with proper fixtures and appurtenances, either in the present State House, or at some central position of this city, for the preservation and use of the aforesaid Library.

Resolved, That the said committee be further authorized to draw from the treasury of the United States, through Joseph L. Heywood, Marshal of the United States, for the Territory of Utah, any sum not exceeding two hundred dollars, in order to carry into effect the above resolution.

Librarian to
draw order for
\$200 for use of
library.

Resolved, That the office of Librarian is hereby created for the Territory of Utah, whose duty it shall be to preserve, and keep to their legitimate purpose all the books and papers of the Library of the Territory, under a bond of five thousand dollars, to be approved by the Governor, and filed in the office of the Secretary of the Territory.

Duty of libra-
rian.

Resolved, That it shall further be the duty of said Librarian to keep, disburse, and control all books, papers, maps, charts, globes, and apparatus, &c., &c., that now do, or hereafter may belong to the library of the Territory of Utah, subject to the control, discretion, and direction of the Legislative Assembly, and make report of his doings from time to time to the legislature as shall by them be required.

Gov. appoint
Librarian.

Resolved, That the Governor is hereby authorized to appoint a Librarian for the Territory of Utah, and remove the same at discretion.

Approved Oct, 4, 1851.

RESOLUTION IN RELATION TO ELECTION OF TWELVE SELECT MEN, OR REFEREES.

Election of se-
lect men.

Resolved, by the Governor and Legislative Assembly of the Territory of Utah, That it shall be lawful for each organized county to elect a council of twelve Select men as Referees, whose duty it shall be to decide all cases in litigation which may come before them by the mutual consent of the parties interested; and their decision in all cases so

Duty of

brought before them shall be the end of all controversy in the matter. A majority of said Select men shall constitute a quorum to do business: *Provided*, That nothing ^{Provide.} herein contained shall be so construed as to vest in said council any judicial power of said Territory.

Approved March 6, 1852.

RESOLUTION FOR AN ORDER OF FIVE HUNDRED DOLLARS FOR INCIDENTAL EXPENSES OF THIS ASSEMBLY.

Resolved, by the Governor and Legislative Assembly of the Territory of Utah, That an order be drawn on the Secretary of the Territory for the sum of five hundred dollars, to be appropriated to defray the incidental expenses of the present Legislative Assembly of Utah, as provided in the eleventh section of the act of Congress, approved September 9, 1850, organizing the Territory of Utah. ^{Incidental expenses.}

Approved Sept. 24 1851.

JOINT RESOLUTION IN RELATION TO THE PUBLIC FUNDS.

Whereas, The Secretary of the Territory has left for the United States, taking with him the funds belonging to the Territory of Utah, by appropriation of the second session of the thirty first Congress, appropriating twenty-four thousand dollars for compensation and mileage of members of the legislature, officers, clerks, contingent expenses, &c., Therefore,

Resolved, by the Governor and Legislative Assembly of the Territory of Utah, That the United States Marshal for the Territory of Utah, Joseph L. Heywood, be authorized to draw on the Treasury of the United States, for the afore- ^{Marshal authorized to draw on the treasury.} said amount of twenty-four thousand dollars, or any part

thereof, to defray the expenses of the Legislative Assembly, and other purposes for which said appropriation was designed.

Approved Oct. 4, 1851.

JOINT RESOLUTIONS IN REGARD TO PURCHASE OF THE STATE HOUSE IN GREAT SALT LAKE CITY FOR PUBLIC PURPOSES.

E. D. Woolley
appointed agent to purchase state house.

State house can be re-purchased.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That Edwin D. Woolley be appointed an agent for the Territory of Utah, to purchase the State House in Great Salt Lake City, known by the name of the Council House, erected by the Church of Jesus Christ of Latter Day Saints, of the trustees in trust of said church, for the use and benefit of the Territory of Utah, to be appropriated to public purposes, and to be under the control of the Governor and Legislative Assembly of said Territory, until such times as a suitable building shall be erected at the seat of government in Fillmore city in said Territory: *conditional*, That such State House shall be subject to be bought back by said trustees in trust, when said building shall be erected at the seat of government.

Resolved, That said Agent is hereby required to report his proceedings as soon as practicable, subject to the approval of the Governor and Legislative Assembly of the Territory.

Appropriation of \$20 000 for state house

And be it further resolved, That the appropriation of twenty thousand dollars, made by Congress for the erection of a State House in the Territory of Utah, be, and hereby is appropriated for the purchase of said building.

Seat of government located at G. S. L. City pro tem.

And be it further resolved, That in the event said purchase can be effected, the seat of government shall be located at Great Salt Lake City, pro tempore, until a suitable building is erected at Fillmore City, the present location for the seat of government.

Approved Jan. 6, 1852.

RESOLUTION CONCERNING THE EXPENSES OF LOCATING THE SEAT OF GOVERNMENT FOR THE TERRITORY OF UTAH.

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That the expenses of the Commissioners for locating the seat of Government, of said Territory, be paid out of the twenty thousand dollars appropriated by Congress for locating said seat, and providing suitable buildings thereat.

Approved, February 2, 1852.

A JOINT RESOLUTION IN RELATION TO THE DELIN- QUENT TAX OF IRON COUNTY.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That the delinquent taxes of Iron county now due;—and the Territorial tax of said county for the current year, are hereby appropriated for the purpose of opening a road to the coal veins in Coal creek and in Coal creek kanyon in said county; to be expended under the direction of the sheriff of said county, who shall report the same to the Auditor of Public Accounts, by the first day of November, A. D., 1852.

Approved, February 18, 1852.

A RESOLUTION TO EXTEND THE TERRITORIAL ROAD IN WEBER COUNTY.

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That the Territorial road be extended ^{Road extended} to Bear river. from its northern terminus in Weber county, north to Bear river, and the Territorial road commissioner is hereby required to proceed forthwith and locate said road as above provided.

Approved, March 3, 1852.

RESOLUTIONS MAKING APPROPRIATIONS TO THE ASSESSOR AND COLLECTOR AND AUDITOR OF PUBLIC ACCOUNTS.

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That the Assessor and Collector be allowed the sum of one thousand dollars for services during the past year.

Assessor and collector, compensation of.

And be it further resolved, That the Auditor of Public Accounts be allowed the sum of four hundred dollars in full, for past services, stationery furnished, &c.

Compensation of auditor.

Approved, March 6, 1852.

RESOLUTION RELATIVE TO COMMUNICATIONS ON CIVIL AND MILITARY MATTERS.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That all public documents, letters, papers, and communications, civil and military in relation to Territorial business, shall be post free, the postage on the same to be chargeable in the Territorial Treasury.

Civil and military matters post free.

Approved, March 6, 1852.

RESOLUTION IN RELATION TO SURVEY OF STATE ROAD SOUTH OF GREAT SALT LAKE CITY.

Resolved, That the Territorial Commissioner be directed to forthwith proceed to survey the State road leading south of Great Salt Lake City as far as the south end of the big field; also put a stake at each corner of the blocks where said road passes over them; also the State road leading north of Great Salt Lake City.

Road commissioners to survey state road south of G.S.L. City.
Also north of G.S.L. City.

Approved, February 6, 1852.

RESOLUTION TO CONVENE THE LEGISLATIVE ASSEMBLY.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That the next annual session of the ^{Legislative as} Legislative Assembly shall meet on the second Monday ^{of the assembly when} of December, A. D., 1852, at the Territorial House, in Great Salt Lake City, at 10 o'clock, a. m.

Approved, March 3, 1852.

RESOLUTION IN RELATION TO DISTRIBUTING CONSTITUTION, &c.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That the Governor, Secretary, ^{Governor, &c.,} Judge of the district court, United States Marshall, United ^{have 5 copies} States district attorney, and each member of both houses ^{each, of consti-} of the Legislative Assembly and the officers thereof, be ^{tution, &c.,} allowed five copies of the Constitution, Organic Act, &c., ^{just published.} just published; and that the Secretary of the Territory be instructed to forward one copy of each to each officer of this Territory in their respective counties.

Approved, January 30, 1852.

RESOLUTION IN RELATION TO THE DISTRIBUTION OF THE LAWS AND JOURNALS OF THE LEGISLATIVE ASSEMBLY.

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That the Secretary of the Territory furnish the Governor of each State and Territory of the United States with one copy of the laws, passed by this Legislative Assembly, and also with one copy of the journals of the same. ^{Gov. of each state.}

Also that he furnish the Governor of Utah Territory ^{Gov. Utah} with one hundred copies of each.

**Legislative
assembly.**

Also that he furnish each member of the present Legislative Assembly with two copies of the laws, and one of the journals.

Officers of.

Also that he furnish each officer of the Legislative Assembly with one copy of each.

**Officers of ter-
ritory.**

Also that he furnish each civil officer of the Territory with one copy of the laws.

Libraries.

Also that he furnish the Utah Library, and the Library of the University of Deseret each, with five copies of each.
Approved, March 6, 1852.

RESOLUTION APPROPRIATING MONEY FOR ROAD PURPOSES.

**Collector to re-
ceive orders on
delinquent tax-
es.**

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That the sum of one hundred and fifty dollars be, and is hereby appropriated, to be applied on the state road in the north part of Great Salt Lake County; to be under the directions of the Territorial road commissioner. And the Territorial collector is hereby required to receive orders to the amount of one hundred and fifty dollars for labor on said road in payment of delinquent taxes due the Territory.

Approved Jan. 30, 1852.

RESOLUTION IN RELATION TO WEIGHTS AND MEASURES.

**Secretary to
apply for
weights and
measures.**

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That the Secretary of the Territory of Utah, be requested to apply to the Secretary of the treasury of the United States, to furnish the Governor of this Territory with a full set of the standard weights and

measures established by Congress, to be kept for the use of this Territory.

Approved March 3, 1852.

RESOLUTION MAKING AN APPROPRIATION TO THE SURVEYOR GENERAL.

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That the sum of five hundred dollars be, and is hereby appropriated out of any money in the treasury, not otherwise appropriated, to the surveyor general of the Territory, for his *official* service, due from the date of his appointment to office, to the first day of August, 1851.

Approved March 3, 1852.

RESOLUTIONS TO REVISE AND CLASSIFY THE LAWS OF DESERET.

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That a Joint Committee of the two Houses of the Legislative Assembly, to consist of three members of the House of Representatives, and two members of the Council, be elected by the joint vote of the Legislative Assembly, whose duty it shall be, to revise and classify the laws of the State of Deseret, which have been legalized by this assembly, so as to apply to the Territory, and that they be, and are hereby authorized to perform said duty during the recess of the Legislative Assembly, and make report to the Legislature on the first Monday of January next.

Approved Oct. 4, 1851.

RESOLUTION IN RELATION TO WILLIAM M. LEMON'S SURVEYS.

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That all lands within this Territory, that were surveyed by the late William M. Lemon, county surveyor of Great Salt Lake county, which have not been returned in the office of the surveyor general, the claimants of such lands are hereby required to present such claims with the claimants names, tracts, parcel, piece or parts of land so claimed, to the surveyor general, by or before the first day of June, A. D. 1852. All pieces and parcels of land not known in said office after that date, will be only known as unsurveyed land, subject to be given out to applicants.

Approved March 3, 1852.

MEMORIAL SIGNED BY THE MEMBERS OF THE LEGISLATIVE ASSEMBLY OF UTAH, TO THE PRESIDENT OF THE UNITED STATES.

GREAT SALT LAKE CITY, Sept. 29, 1851.

To Millard Fillmore, President of the United States, of North America.

The undersigned, members of the Legislative Assembly for the Territory of Utah, do hereby most respectfully beg leave to show, that, whereas, two of the Honorable Justices of the Supreme Court of the United States for the Territory of Utah, and the Hon. B. D. Harris, secretary of the Territory, have removed from the Territory of Utah, and consequently vacated their offices within the same: therefore your memorialists do most earnestly solicit, and pray the Chief Executive of the United States to fill those vacancies as speedily as possible.

Accumulated influences of a disagreeable nature may be regarded as our apology for trespassing upon the attention of our highly honored Chief Magistrate at this time. The vacating of important public offices in a manner as unwarranted as it is unprecedented at this peculiar crisis of our colonial settlement and government, have created mingled sensations of an extraordinary character, which we wish briefly to pour into the bosom of the National Executive.

Immediately consequent upon the settlement of this colony, a large and heterogenous emigration followed upon our heels, remaining here

a shorter or longer time, imperatively requiring the establishment of an efficient government, for the speedy protection of life, peace, virtue, and property. In addition to a transient and ungovernable emigration, almost constant Indian depredations have plead like the irresistible maw of death for the institution of some formidable order, and power of government amongst us. A provisional government was accordingly formed, which has met the exigencies of the people, and secured general tranquility, order, and satisfaction. And when the announcement of a Territorial government, under your fostering hand, reached us, it was hailed with shoutings and firing of cannon. But, sir, the officers appointed sufficiently early to have reached here last winter, did not arrive till July last, when measures had been taken by the Governor of Utah, for taking the census, and securing an election of delegate to Congress, and members of the Legislature, without the seal of the Hon. Secretary of the Territory. And now, in the very dawn of the arrival of the government officers, and of our hopes of an efficient Territorial government, we are most seriously embarrassed with their unprovoked departure from the limits of the Territory, taking with them the judiciary, the public seal, and public fund, leaving us in a more crippled condition, if possible, than previous to their arrival, thereby tantalizing a people of more than spartan intrepidity and fortitude, that have long been struggling against the most invincible difficulties. The first demand upon the honorable Secretary, for stationery, desks, and such contingent expenses as might necessarily accrue in the outset of a Legislative Assembly, has been peremptorily refused. Not only so, but all the authorities of the Territory, including the Governor and both Houses of the Assembly and Marshal, have been set at nought, as exercising their functions illegally and unconstitutionally. (See document marked No. 8.)

Thus, sir, when we have looked for the fostering aid of such a functionary as the honorable Secretary, and for a fellow citizen, worthy the honor conferred by our illustrious Chief Magistrate, we have been annoyed with the technics, of legal quackery, and our respectful address for stationery, &c., has been responded to, not as to legislators of the undivided choice, and sole representation of a sovereign people, who know the right of franchise, and of self government under the constitution, but as to men who ape authority that does not belong to them. Although we are *ipso facto* honored with the choice of a sovereign and free people to be their representatives in Legislative Assembly, and the refusal of a captious stranger to accredit us with the fact, does not shake the truth, still a studious violation of etiquette when it is designed to convey burlesque, contempt, and indignity, upon a legislative body, is calculated to alienate a people from such functionaries.

Your memorialists being aware of the difficulty of sending men from the states to fill the vacancies that have accrued from the removal of the two honorable Judges, and the Hon. B. D. Harris, during the period of many months to come; and feeling cautious against any possible future removals like those which now embarrass us with the want of a Territorial seal and funds to meet constantly accruing expenses, and also the want of a full Supreme Court of the United States for Utah Territory; and desirous to dwell in peace and unfeigned loyalty to the constitution and General Government of the United States, do therefore pray our highly honored Chief Magistrate to appoint men to fill the aforesaid vacancies, by and with the consent of the Senate, who are indeed residents amongst us, in order that we may enjoy the full administration of every department of government speedily, as the prosperity of the Territory shall require. And your memorialists, as in duty bound, will ever pray.

WILLARD RICHARDS,

President of the Council.

A. L. LAMEREAUX,
JOHN STOKER,
GIDEON BROWNELL,
JAMES BROWN,
DAVID B. DILLE,
JAMES G. BROWNING,
DAVID EVANS,
WILLIAM MILLER,
LEVI W. HANCOCK,
CHARLES SHUMWAY.

HEBER C. KIMBALL,
DANIEL H. WELLS,
AARON JOHNSON,
ALEXANDER WILLIAMS,
ISAAC MORLEY,
JOHN S. FULLMER,
CHARLES R. DANA,
ORSON SPENCER,
GEO. A. SMITH,
LOREN FARR,

W. W. PHELPS,

Speaker of the House of Representatives.

DAVID FULLMER,
ALBERT P. ROCKWOOD,
EDWIN D. WOOLLEY,
JOSEPH YOUNG,
H. G. SHERWOOD,
WILFORD WOODRUFF,

DANIEL SPENCER,
NATHANIEL H. FELT,
PHINEAS RICHARDS,
B. F. JOHNSON,
HOSEA STOUT.

MEMORIAL TO CONGRESS FOR AN APPROPRIATION FOR THE ERECTION OF A TERRITORIAL PRISON.

To the Honorable, the Senate and House of Representatives of the United States, in Congress Assembled.

Your memorialists, the Legislative Assembly of the Territory of Utah, would respectfully suggest to your honorable body, the necessity of a suitable building for a Territorial Prison in this Territory.

In doing this, we would remind your honorable body, though our locality is quite remote from the exercise of Judicial authority in other states or territories, still we are not beyond the pale of frequent and multiplied crimes and offenses which demand the retribution of imprisonment. The expense of building a safe prison, sufficiently large to meet the liabilities of convicted criminals in this Territory, is greater than a distant observer might readily apprehend.

This more than ordinary expense arises both from the extraordinary cost of labor and materials, and also from the multiplication of criminals thrown into the Territory by a transient and wayfaring population, as well as our own. The early erection of a substantial prison it is believed would not only tend to prevent crime, but also to reform the offenders and put them in the way of self support. The infancy of the Territory renders the erection of such a prison, at present, without the aid of Congress, too great a work for the finances of your memorialists.

Your memorialists therefore respectfully pray your honorable body, to appropriate the sum of sixty thousand dollars for the speedy erection of a Territorial Prison for Utah Territory; and your memorialists, as in duty bound, will ever pray.

Approved Jan. 30, 1852.

MEMORIAL TO CONGRESS TO ESTABLISH A SEMI-MONTHLY MAIL FROM GREAT SALT LAKE CITY TO SAN DIEGO.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled.

The Governor and Legislative Assembly of the Territory of Utah, respectfully memorialize your honorable body for the following purpose, viz:

Whereas, the locality of Utah Territory is such, as to render it inaccessible to the mail from Missouri during four months in the year, previous to the present winter; and also, for a period of six months in the year, it is inaccessible to the mail from Sacramento and Oregon

by way of Fort Hall, which are the only available mail routes from this Territory to the United States now in use; and,

Whereas, we are thereby excluded from intercourse with the United States and other nations, during a considerable portion of the year, which is very prejudicial to the acquisition of timely intelligence from abroad by us as members of a great political compact; and,

Whereas, natural facilities do exist for establishing a mail route from Great Salt Lake City to San Diego, or some other eligible position on the coast of the Pacific near that place; which route can be traversed without any serious obstacles, during every month in the year; and ample supplies of the most nutritious grasses are at all seasons available for the sustenance of animals; and,

Whereas, cities and settlements are already formed on this latter route at the distance of two hundred and seventy-five miles, and other settlements are prospectively in preparation to be formed, still further in the same line of communication, to Williams' Rancho, sixty miles north-easterly of San Diego; Therefore,

We, your memorialists, do humbly pray Congress to establish a semi-monthly mail route from Great Salt Lake City to San Diego, and make appropriations suitable to effect the same. To this subject the early attention of Congress is most respectfully solicited; and your memorialists, as in duty bound, will ever pray.

Approved March 6, 1852.

MEMORIAL TO CONGRESS FOR AN APPROPRIATION TO PAY THE CODE COMMISSIONERS.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled.

The Legislative Assembly of the Territory of Utah, beg leave to memorialize your honorable body for the following purpose, viz:

Whereas, an early publication of a suitable code of laws for the Territory of Utah is much to be desired; and,

Whereas, the short term of forty days only, allowed for our legislative session, is insufficient to draft, arrange and enact said code by the slow formalities of legislation; therefore your memorialists have appointed three commissioners to form and draft the same, subject to the approval or rejection of the legislature when in session; and

Whereas, the expense of the said commissioners in getting up such a code of laws for public use, though but a small item of disbursement from the Parent Treasury of a great and opulent nation, is

nevertheless of some magnitude among the multiplied provisions of an infant Territory, struggling under many burthens, both rare and peculiar.

Therefore your memorialists respectfully beg Congress to consider the utility of such a code of laws to this new and flourishing Territory, and the necessity of timely aid in securing this much desired object, by appropriating the sum of four thousand dollars to this purpose.

And your memorialists, as in duty bound, will ever pray.

Approved Jan. 31, 1852.

MEMORIAL TO CONGRESS FOR AN APPROPRIATION FOR THE CONSTRUCTION OF A TERRITORIAL ROAD.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled.

The Governor and Legislative Assembly of the Territory of Utah, do hereby humbly, and respectfully memorialize Congress upon a subject of great interest, not only to the inhabitants of the Territory but to the traveling citizens of the United States, who annually pass through the country in great numbers, on the overland route, between the States and California. The subject to which we humbly solicit your attention, relates to a Territorial road.

Your memorialists beg leave to state, that the difficulties attending the northern routes across the Sierra Nevada to California, are very great, arising chiefly from the more hostile conduct of the Indians, in that direction, and from the mountain snows which effectually blockade the path of the traveler for several months in the year; and which expose both men and animals to innumerable hardships, if not to death itself. To avoid these difficulties and hardships, a more southern route has been explored, where the climate is more congenial, and where grass, in luxuriant abundance can be obtained during the whole year. Many companies have already passed over this route, which extends through the principal chain of the settlements of this country in a south south-westerly direction.

It is believed by your memorialists, that the location and construction of a Territorial road, beginning at some convenient point in the northern settlements of the Territory, and extending in a southerly direction through Fillmore City, the seat of government; thence to the extreme settlements near the southern boundary of the Ter-

ritory, would be of incalculable benefit to the country, and greatly add to the comfort and convenience of emigrants, and other travelers as they pass through the rough and mountainous portion of the continent.

It is also believed by your memorialists, that the small sum of sixty thousand dollars, would be sufficient to locate and construct said road through the whole length of the Territory from north to south.

Your memorialists, therefore humbly and most respectfully petition Congress to appropriate the aforesaid sum, for the purpose herein specified; and as in duty bound, your memorialists will ever pray.

Approved March 6, 1852.

MEMORIAL TO CONGRESS FOR CALLING A CONVENTION TO FORM A STATE GOVERNMENT.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled.

Your memorialist the Territory of Utah, respectfully represents that,

Whereas, her location is far removed from any other inhabited portion of the great American Union, surrounded by extensive, arid, and trackless deserts, and Heaven-spined mountains, capped with snows of a thousand winters, intervening between her and the national capitol, and denying all intercourse therewith, except a few months per annum, together with hordes of native savages on every hand, that are continually annoying the traveler and the mail; and any communication that can be made, is liable to be delayed or destroyed by them at any time, insomuch that the officers of the General Government cannot pass to their Territorial posts without jeopardizing their property and lives; and,

Whereas, on account of the non-intercourse before suggested, the Territory has mostly been without a Supreme Bench, two judicial Judges and Secretary, since September 1850, and from the same causes, is likely to continue destitute of national officers for a long time yet to come, together with the uncertainty of those offices being supplied when once filled, on account of death, by sickness, casualties, Indian depredations, absence, &c., and the length of time it will take the government to renew the appointments; and,

Whereas, your memorialist in her unparalleled prosperity, has nearly doubled her permanent inhabitants, since the last census,

and will probably treble the whole during the present season; leaving her little, if any, behind the younger sisters of the Union in point of numbers at the time of their espousals by the Union;

Therefore, to avoid, or in a great measure, circumscribe the above difficulties, and to advance the glorious principles of true Republicanism, or Government by the people, as the surest and most permanent basis of true liberty, your memorialist respectfully solicits your honorable body for the passage of an act authorizing her inhabitants to form a constitution and State Government preparatory to taking her place beside her elder sisters in the great Federal Union; and the early attention of Congress is earnestly solicited to this important subject, for which your memorialist will ever pray.

Approved Feb. 28, 1852.

MEMORIAL TO CONGRESS FOR AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE PROVISIONAL GOVERNMENT OF DESERET.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

The Governor and Legislative Assembly of the Territory of Utah, beg leave to memorialize your honorable body, that,

Whereas, the Provisional government for the State of Deseret, (now Utah Territory,) was formed in the winter of 1849. and continued at considerable expense, up to the organization of the Territorial government, on the arrival of the officers appointed by Congress to this Territory; and,

Whereas, no appropriation by Congress has been made to meet the expense of the provisional government previous to December 1850; and,

Whereas, the necessity of such a provisional government at this early period of the settlement of this Great Basin, was manifest and indisputably urgent, both on account of the rapid settlement of these mountain valleys, and of the visitation of a numerous and promiscuous crowd of strangers passing to the gold mines, and returning by way of Salt Lake; and also on account of our exposure to Indian depredations in the very dawn of our earliest settlement, and of the great difficulty of rendering the soil of these valleys productive, owing to the fact, that the climate is exceedingly dry, and the insects very destructive, causing the first year's efforts at rendering it fruitful for the support of the infant colony prominently unavail-

ing, the colony being obliged to sustain themselves considerably upon indigenous roots, and upon raw hides, and emaciated animals, and other precarious means, absolutely revolting to civilized man; and,

Whereas, the settlement of these valleys by a numerous population of industrious, peaceable and patriotic citizens at a central position of the north American continent is believed to be, in an humble sphere, conducive to the strength prosperity and durability of the national confederacy;

Therefore, your memorialists pray Congress to appropriate a sufficient sum to meet the expenses of the Provisional and Territorial government from 1849, to September 1851, amounting to the sum of twenty thousand, seven hundred and thirty-five dollars and thirty-five cents as seen by accompanying bills; and your memorialists, as in duty bound will ever pray.

Approved, March 3, 1852.

MEMORIAL TO CONGRESS TO LOCATE A TURNPIKE ROAD FROM THE MOUTH OF THE NEBRASKA TO SACRAMENTO CITY AND TO APPROPRIATE \$500,000 FOR ITS CONSTRUCTION.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to provide for locating, grading and macadamizing a national turnpike road from the mouth of Nebraska river, via South Pass, Great Salt Lake City, to Sacramento City, California; and for the permanent bridging of the streams of the same. Your memorialists, having been eyewitnesses of the sufferings encountered by the overland emigration to, and from the gold mines, as well as to Oregon and this Territory; and being fully satisfied that the subject is worthy of the immediate attention of the general government, as the great difficulty, and immense losses sustained by travelers and emigrants, render it highly important, that the streams should be bridged, and roads worked over the mountains and marshes. Therefore your memorialists respectfully pray that some of the corps of Topographical engineers may be employed to locate said road on the best ground; and that an appropriation of five hundred thousand dollars may be made to defray the expenses of constructing said road. The favorable consideration of this important subject, by Congress, at an early

day, is respectfully requested; and your memorialists, as in duty bound will ever pray.

.. Approved March 3, 1852.

MEMORIAL TO CONGRESS FOR THE CONSTRUCTION OF A GREAT NATIONAL CENTRAL RAIL ROAD TO THE PACIFIC COAST.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to provide for the establishment of a national central rail-road from some eligible point on the Mississippi or Missouri rivers, to San Diego, San Francisco, Sacramento or Astoria, or such other point on or near the Pacific coast, as the wisdom of your honorable body may dictate.

Your memorialists respectfully state, that the immense emigration to, and from the Pacific, requires the immediate attention, guardian care, and fostering assistance of the greatest and most liberal government on the earth. Your memorialists are of opinion that not less than five thousand American citizens have perished on the different routes within the last three years, for the want of proper means of transportation; that an eligible route can be obtained your memorialists have no doubt, being extensively acquainted with the country. We know that no obstruction exists between this point and San Diego; and that iron, coal, timber, stone, and other materials exist in various places on the route; and that the settlements of this Territory are so situated, as to amply supply the builders of said road with materials and provisions for a considerable portion of the route, and to carry on an extensive trade after the road is completed.

Your memorialists are of opinion that the mineral resources of California, and these mountains, can never be fully developed to the benefit of the people of the United States, without the construction of such a road; and upon its completion, the entire trade of China and the east Indias will pass through the heart of the Union; thereby giving our citizens the almost entire control of the Asiatic and Pacific trade; pouring into the lap of the American States, the millions that are now diverted through other commercial channels: and last, though not least, the road herein proposed, would be a perpetual chain, or iron band which would effectually hold together our glori-

ous Union with an imperishable identity of mutual interest; thereby consolidating our relations with foreign powers in times of peace and our defence from foreign invasion by the speedy transmission of troops and supplies, in times of war.

The earnest attention of Congress to this important subject is solicited by your memorialists, who, in duty bound, will ever pray.

Approved March 3, 1852.

MEMORIAL TO CONGRESS FOR THE ESTABLISHMENT OF A WEEKLY MAIL ROUTE FROM THE MISSOURI RIVER TO GREAT SALT LAKE CITY.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray for the establishment of a weekly mail route from the Missouri river to this place; as by the present arrangement of monthly mails we often fail getting them once in even two months, during the winter season, which you will perceive, subjects us to serious inconveniences, and many disadvantages, when compared with the more favored population of the States, where they enjoy all the facilities of communication, afforded by the power of steam, and the lightning rapidity of the telegraph.

The early attention of Congress to this our memorial is earnestly desired, as a great favor and benefit to the overland emigration to California, and to the inhabitants of Oregon and Utah Territories; and as in duty bound, your memorialists will ever pray.

Approved March 3, 1852.

MEMORIAL TO CONGRESS FOR AN ELECTRIC TELEGRAPH FROM THE MISSISSIPPI TO CALIFORNIA.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists the Governor and Legislative Assembly of the Territory of Utah, respectfully beg leave to suggest, that,

Whereas the inhabitants of this Territory are situated in the Great

Basin of North America, occupying an intermediate position between California and the States on the Mississippi; and being shut out by their isolated position from a ready intercourse with their mother States; the roads passing over arid plains, rough and desert mountains taking a term of thirty days in the best seasons of the year for the mails to pass through from the confines of civilization to this Territory; and considering the obstructions arising from storms, floods, and the depredations of hostile Indians, all combining to render our means of intercourse extremely limited and precarious, therefore your memorialists respectfully pray your honorable body to provide for the construction of a Telegraph from some convenient point on the Mississippi or Missouri, via Great Salt Lake City, to San Diego, San Francisco, Astoria, or such other eligible port on the Pacific coast as your wisdom may direct. And your memorialists respectfully beg leave to state their sincere conviction, that no movement of Congress could be better calculated to preserve inviolable our glorious Union, than to bind the east and west by an "electric" stream, whereby intelligence and instantaneous intercourse, from the eastern to the western limits of our wide spread country annihilate the distance, and make the freemen of Maine and Oregon, Florida and California immediate neighbors.

The favorable consideration of this important subject at an early period by Congress, is respectfully solicited; and your memorialists, as in duty bound, will ever pray.

Approved March 3, 1852.

MEMORIAL TO CONGRESS FOR A GEODETIC SURVEY IN UTAH TERRITORY.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Governor and Legislative Assembly of the Territory of Utah, respectfully petition your honorable body, to detach one or more of the corps of Topographical engineers to make a triangulation, or geodetic survey, to commence at the southern termination of a like survey made by Howard Stansbury, Captain of Topographical engineers, in 1849 and '50; and to be extended to the southern extremity of the Sevier, or Nicolet lake; and as much further south as your judgment may demand; and we respectfully suggest, that with the exception of the officers above named, and the necessary instruments, and a Botanist, Mineralogist, and Geologist, the re-

maining portion of the surveying parties can be made up from the inhabitants of this Territory, and all supplies furnished at a reasonable rate.

The early attention of your honorable body is earnestly solicited to the above subject; and the granting of our desires in this matter would obviously greatly benefit your memorialists, and the people of the United States at large, and add greatly to the amount of our scientific information, and place a bright gem in our already noble monument of geographical and scientific research, which will aid us to keep our present position in the front rank of research, so honorable among the nations of the earth.

Approved March 3, 1852.

MEMORIAL TO CONGRESS FOR THE EXTENSION OF THE LEGISLATIVE SESSION TO NINETY DAYS.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists the Governor and Legislative Assembly of the Territory of Utah, beg leave to represent to your honorable body, that in consequence of the rapid increase of the population and extension of the settlements of this Territory; and the consequent increase of the Legislative business, that the term of forty days session, provided for in the "Organic Act," organizing the Territory, is insufficient time to transact the Legislative business. Your memorialists, therefore, respectfully ask an extension of the time of the regular sessions to ninety days, instead of the forty now provided for.

The early attention of your honorable body to the favorable consideration of this important subject, is most respectfully solicited: and your memorialists, as in duty bound, will ever pray.

Approved March 3, 1852.

MEMORIAL TO CONGRESS FOR AN APPROPRIATION TO PAY EXPENSES OF INDIAN EXPEDITIONS.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, beg leave to represent to your honorable body, that since the settlement of the valley of the Great Salt Lake, by your memorialists frequent Indian depredations have been made by the various tribes inhabiting the mountains; and,

Whereas, it was found necessary to repel such depredations, by regularly military organized bodies of citizens at considerable expense and labor, sometimes in the depths of winter, and sometimes in midsummer, at a time when our crops should be gathered by the husbandman, (which in many instances were lost by neglect;) and, *Whereas*, the Adjutant General of this Territory, has made a full and formal report of the same, together with the necessary expenditures incurred by this infant colony, to the war department at Washington city.

Therefore, your memorialists respectfully pray your honorable body, to refer to the said report, and to appropriate the amount there specified, for the payment of those who were engaged in such expeditions, and of such military stores as were necessarily used in those expeditions; and your memorialists, as in duty bound, will ever pray.

Approved March 3, 1852.

MEMORIAL TO CONGRESS FOR AN APPROPRIATION FOR SUPPORT OF SCHOOLS.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, feeling a deep interest in the promotion of a general system of education, and the general diffusion of knowledge among all classes; and laboring under the difficulties incident to the settlement of all new territories, and especially those so far removed from the confines of civilization; and feeling grateful to the General Government for the valuable Library furnished our Territory, as also for the appropriations of two sections of land in each

township, when the same shall have been surveyed and brought into market, (which lands will eventually, in some cases, prove beneficial in promoting the object for which they were granted; but, at present, they are wholly unavailable, and must remain so for a considerable length of time, as your honorable body must readily perceive, owing to the fact that the Indian title has, in no instance, been extinguished in any part of said Territory, nor any surveys, as yet authorized by the General Government;) and having no resources on which to base the establishment of a school fund, respectfully pray your honorable body to grant that the sum of twenty-four thousand dollars, appropriated for the "compensation and mileage of members of the Legislative Assembly, officers, clerks, and contingent expenses" of the Territory of Utah, for the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-one (Statutes at large, for 1851, page 570) or so much thereof as shall not be expended for the purpose for which it was appropriated, together with such additional sum as your wisdom and liberality may see proper to bestow, be appropriated, to be invested by your memorialists in some productive fund, the proceeds of which shall be forever applied by the Legislature of said Territory, to the use and support of schools.

The early attention of your honorable body is respectfully solicited to the favorable consideration of this deeply interesting subject, fraught as it is, with consequences of so much importance to the youth of this new and flourishing Territory; and your memorialists, as in duty bound, will ever pray.

Approved March 3, 1852.

MEMORIAL TO CONGRESS FOR AN APPROPRIATION TO PAY THE EXPENSES OF THE SPECIAL SESSION OF THE LEGISLATIVE ASSEMBLY.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, beg leave to submit the following memorial to your honorable body:

Whereas, the accumulation of business has rendered an extra session of the Legislative Assembly very necessary to the peace, good order, and prosperity of the people of Utah Territory, and the protection of the rights of traveling multitudes passing and repassing through this Territory; and,

Whereas, the term of forty days session has proved to be entirely too short for its accomplishment; and,

Whereas, a session of fourteen days has been held according to the call of the Governor, creating an expense onerous to an infant Territory; and,

Whereas the service of an Adjutant General has also been indispensably necessary, during frequent Indian hostilities, which have occurred, with short intervals, from the earliest settlement of this Territory, augmenting the expense of our citizens:

Therefore your memorialists do most respectfully pray your honorable body to appropriate the sum of five thousand dollars, to defray the foregoing expense, and your memorialists, as in duty bound, will ever pray.

Approved March 6, 1852.

MEMORIAL TO CONGRESS FOR AN ACT AUTHORIZING TREATIES WITH INDIANS.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body for the passage of an act to authorize the superintendent of Indian affairs of this Territory, to make treaties with, and purchase the lands of the Shoshone or Snake, Utah, Parvante, San Pitch, Pieves, Cumembahs or Snake Diggers, Uinta and Yampah Utes, and such other Indian tribe or tribes or bands, or any portion thereof, that may be necessary for the advancement of the settlements of this Territory; and that a sufficient sum be appropriated to defray the expenses of all treaties so held, and to make the first payment on the purchases so made, and for the establishing of schools, the erection of mills, furnishing implements of husbandry, and suitable instructors for the Indians. The favorable attention of your honorable body to this highly important subject, at as early a period as practicable, is respectfully solicited; and your memorialists, as in duty bound, will ever pray.

Approved March 6, 1852.

MEMORIAL TO CONGRESS FOR THE DONATION OF PUBLIC LANDS TO SETTLERS, AND FOR EDUCATIONAL PURPOSES.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to provide for the survey of the public lands; and also to extend to this Territory and its inhabitants, the same privileges and donations of land to settlers, and for educational purposes, as were extended to the people and Territory of Oregon, by the provisions of an act entitled "An Act to create the office of surveyor General of the Public Lands in Oregon, and to provide for the survey, and to make donations to settlers on the said lands," approved Sept. 27, 1850, thereby granting to the hardy pioneer the simple boon of a home, free of charge, as a partial reward for the exposure to the hardships, dangers, difficulties, privations and sufferings which are encountered by the early settlers in such distant wilds and unsubdued Territories.

The early attention and favorable consideration of your honorable body to this highly important subject are earnestly and respectfully solicited; and your memorialists, as in duty bound, will ever pray.

Approved March 6, 1852.

MEMORIAL TO CONGRESS ON THE SUBJECT OF THE SURVEY OF THE SOUTHERN BOUNDARY OF THE TERRITORY OF UTAH.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body for the appointment of a commission to survey and mark the southern boundary line of this Territory, and make an appropriation sufficient to cover the expense of the same. Your memorialists are of opinion that the immediate survey of this boundary line is highly important, as new settlements are constantly forming in that direction; and unless the line can be authentically determined, difficulties respecting jurisdiction will be liable to arise.

The attention of your honorable body to this subject is respect-

fully solicited; and your memorialists, as in duty bound, will ever pray.

Approved March 6, 1852.

MEMORIAL TO CONGRESS FOR THE ESTABLISHMENT OF A DISTRIBUTING POST OFFICE.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, beg leave to show unto your honorable body, that,

Whereas, there are a number of post routes diverging from this city; and,

Whereas, the post master of this city has to perform in reality many of the duties of a distributing post office; and,

Whereas, in consequence of the California prices which have, and do prevail here, the post master of this city has been under, the necessity of involving himself under heavy liabilities for rent and clerk hire; and,

Whereas, many of the post offices established in this Territory, are rendered valueless by want of mail routes; and,

• *Whereas*, the services of a mail agent, are highly important to this Territory;

Therefore your memorialists respectfully pray your honorable body for an appropriation of five thousand dollars for the relief of the post master of this city; and that a distributing post office be established by law in this Territory; that suitable appropriations be made to defray the expenses thereof; and that a mail agent be appointed and authorized to let contracts on the several routes in this Territory.

Your memorialists feel confident that the above named measures carried out, would greatly tend to facilitate the intercourse among the inhabitants of this Territory.

The favorable consideration of your honorable body upon this important subject, is respectfully desired; and your memorialists, as in duty bound, will ever pray.

Approved March 6, 1852.

MEMORIAL TO THE POST MASTER GENERAL OF THE UNITED STATES.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, beg leave to suggest to your Honor, that post offices are established, and being multiplied throughout our Territory, making Great Salt Lake City post office, central to the various post routes; and,

Whereas, the post master of this city of necessity performs most of the duties imposed on a distributing post office; and,

Whereas, many offices established in this Territory are rendered useless for lack of mail routes; and,

Whereas, it is highly important that a mail agent should be appointed for this Territory.

Your memorialists, would therefore pray your Honor to appoint a mail agent for this Territory, who shall be authorized to let contracts on the several routes in this Territory; and that you appoint Great Salt Lake City post office a distributing post office.

Approved March 6, 1852.

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ERRATA.

Page 52, section 2, line 3, for "filed," read "fild."
60, 13, 10, for "per," read "person."
66, 1, 13, insert "and" before owner; and read "of possession," instead of "and possessor."
81, 2, 8, for "masters," read "mistress."
97, 2, 3, in relation to common schools, for "full," read "fuel."
109, 12th line from the top, for "1841," read "1851."
121, 1st " " " for "persons," read "person."
127, marginal note to section 58, for "embezzlement," read "larceny."
155, section 56, line 7, insert "general," after "lieutenant."
176, 2, 8, insert "convey," after "lease."
" " 10, insert "and," after "improve."
191, 44, 2, for "to," read "of."
203, 13, 8, for "by," read "of."
212, resolution 2, 5, for "in," read "to."

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